

THE CALCUTTA JOURNAL.

OF

Politics and General Literature.

VOL. II.]

THURSDAY, APRIL 17, 1823.

No. 92

MISCELLANEOUS.

—641—

The Congress—France—Spain.

Je dis aux tyrans,
Vous avez troublé le monde
Plus que les fureurs de l'onde
Et les flammes des volcans.

Jean qui pleure et qui rit.

Scotsman, Saturday, November 16, 1822.

During the last eight days extraordinary rumours have agitated the political world. The British and French funds, and still more the Spanish, sunk and rose like the barometer before an earthquake, and by those fluctuations, hundreds, it is said, have been ruined. It is of little moment to inquire whether the whole was the result of a deep-laid stock-jobbing stratagem, or whether the natural sensibility of the fundholders, at a critical period, caught up and magnified idle rumours till a general panic was created. Whichever way the fact may be, it is the result of that unsound and unnatural state of things, which renders the fate of millions dependent on the caprices of a few individuals. The resolutions of a great number can be inferred from their known interests, and from the publicity which their sentiments necessarily acquire; but who can find a standard for the thoughts and purposes of a small knot of despots, who have been cast by the accidents of birth into situations—where, cut off from all sympathy with their fellow-creatures, and rendered wayward and capricious by the exercise of unbridled authority, they live in an atmosphere of feelings and opinions peculiar to themselves. War, in a country like the United States, is the act of the nation. The nation has its prejudices, but not its caprices; it may form wrong resolutions, but it does not change between night and morning. It is not subject to surfeits, spleen, or hypochondria. If it changes, it gives intimation of the change by a thousand symptoms. Guided by its interests, or by passions too strongly marked to be mistaken, all its movements can be calculated. The growing hostility of the American people to Britain from 1807 to 1813, was as constant and regular in its progress, as the motion of a planet in its orbit. No conclave sitting at Washington either durst anticipate the march of that sentiment by one single step, or could finally arrest it in its course. The government, which had neither rotten burghs nor standing armies at its command, would have sunk in an instant, had it ventured to sport with the feelings or interests of the people, by rushing into war without a cause, or by hesitating to vindicate the national honour, when the voice of the country demanded it. There was not, perhaps, one husbandman or tradesman from Maine to Louisiana, who had not weighed in his own mind the injuries that called for war, with the sacrifices it would cost him as an individual, and who might not, if he chose, contribute by his vote to bring about or to prevent this result. The government accordingly approached the ultimate and fearful appeal to force, with the caution and circumspection befitting men who had mighty interests confided to them, and whose responsibility was something very different from a figure of rhetoric. The war, when it did take place, was not the act of an ambitious despot lusting for his brother despot's territories, nor of a domineering junta, who cover their own selfish ends by stimulating mobs with barrels of ale to raise a war-whoop, but it was the solemn and well considered act of the nation, which perilled its interest in defence of what it held to be its

honour. Amidst the wars that have devastated the earth, how few have had so honourable an origin? And where is the people that ever exercised so proud a control over their own most momentous concerns?

When we turn our eyes from the rational and manly liberty of America, to the degrading servitude of continental Europe, how humbling is the contrast! At this moment, the destinies of a hundred and fifty millions of civilized men await the fiat of half a score of crowned and coroneted coxcombs, assembled at the foot of the Alps, who abjure all human responsibility, and acknowledge no law but their own will. The first care of this junta is to draw a line of circumvallation around themselves, within which no unprivileged person is to pass, lest the prostrate and confiding millions, spread over the space from the Bay of Biscay to the Frozen Sea, should come to know something of the motives and projects of those who dispose of their lives and properties. Into this unholy conclave there is not one person admitted to speak the sentiments, or to plead the wrongs and interests of the people of Europe. The latter are not represented at Verona in any other way than as the negroes of Jamaica are represented in the Assembly of Slaveholders. Met avowedly to secure and strengthen the monarchical principle, the measures of these congregated despots, where they are not foolish, must be pernicious. They will either be the result of their own sinister views of interest, or they will be the dictates of personal humour and caprice. There is not one man of profound or liberal views, not one individual who has earned consequence by real services to mankind, admitted to their confidence. Without any other councillors within their own breasts than ignorance, vanity, and ambition, and with no other advisers around them than those who hold their office by flattering their prejudices and foibles, how can one wise, honest, or manly resolve issue from such an assemblage? It is a painful reflection, that at all such meetings, the just claims and the desires of millions are as dust in the balance, compared with the suggestions of some crafty intriguer, miscalled a statesman, or the secret solicitations of a courtizan. Perhaps at this very time, a royal fit of spleen or indigestion, some frivolous quarrel about a matter of etiquette, the jealousies of some court minions, or the insidious counsels of some monk groaning in spirit over the increase of knowledge and the growth of Bible Societies, has given birth to a decree which decides the fate of this fair portion of the globe, with all its wealth, intelligence, science, and industry. That the peace and well-being of society has at all times been the sport of such pretty arts and accidents, is a reproach to the spirit and sense of mankind; but at the present day it is doubly mortifying to think, that when once the war-whoop is raised, the whole resources of a highly enlightened society will be employed avowedly against itself. If a war occur now, it is not to be for a few frontier towns, or the rounding of a boundary line. It will not arise out of wrong notions of national honour, nor will its object be to amuse the leisure of some chip of royalty, who, like Louis le Grand has his loving subjects slaughtered by the thousands to feed his vain glory. The worst of such contests were harmless compared with those we may now expect. A war against Spain will be literally a crusade against the rights and liberties of mankind. It would indeed be galling to see the intelligent people of France, Germany, Italy, and Prussia, compelled to consume their substance and shed their blood to promote a cause they abhor, and

whose success would be ruinous to their own best hopes, and those of all other nations.

The false alarm spread with regard to the Spanish war, and the immediate agitation it produced in the money market, shew that this is the point upon which every person's hopes and anxieties turn. A very short time ago, the *Courier* gave us a solemn assurance that the policy of the Congress, and of France and England, was entirely pacific, and that no intention of interfering with Spain existed, unless under circumstances not likely to occur. Language exactly similar was held by the organ of the French Ministry. The lapse of a fortnight, however, has brought new light to both the journals in question. It is decidedly affirmed, that no attempt will be made to change the Spanish Constitution by force; but it is admitted by the *JOURNAL DES DEBATS*, that the probability of war on another ground is increasing. The Infant Don Carlos was implicated in the plot of 7th July, and the Spanish authorities have intimated their intention of expiscating the facts, and making manifest to the nation the share he had in the conspiracy. This exercise of one of the most common rights of a nation, which involves the power of providing for its own safety, is pronounced to be a just ground of war. Any act that puts in danger the sacred persons of the King, or his brothers however guilty they may be, would, it seems, impel France to interfere by force. We know not that any doctrine can be put in words more abominable, or more impolitic. It teaches nations to regard their princes, as persons not forming a part of themselves—not amenable to them, or having any common interest with them, but as aliens and members of a foreign domineering Board, sent among them to raise taxes, trample on their rights, and conspire against their liberties, under the shelter of a powerful military confederacy. If a nation think fit to give their chief ruler the title of Doge of President, they may draw his responsibility as tight as they please, and make free with his person when he abuses his power. But if they decorate him with the insignia of royalty, their power vanishes. His responsibility to them ceases when the crown is put upon his head; henceforth his rights and powers emanate from the Board at Vienna, under whose protection he is privileged to commit every crime, for which, under a humbler title, his life would have been forfeited. Thank heaven, such doctrines have not yet found countenance in this country. Our legal principle, that the King can do no wrong, is wise and salutary; but no British jurist,—not the most determined Tory, would hold that under its sanction, a prince is entitled to tread in the steps of James the Second, and conspire against the liberties of the nation.

We are fully persuaded, however, that the Spanish leaders, who have shewn more humanity and moderation in the midst of a revolution, than some long established governments in their ordinary course, will not really touch the person of their Sovereign, unless they are absolutely compelled to it by the great law of self-preservation. The French Ministers, we believe, are convinced of this too. What, then, do they mean by the insulting threat of interference? Is it not possible, that, by announcing this offensive principle, they are preparing a plea to justify, or at least to cover the hostilities which they meditate? A crime so vague as that of "putting some branch of the royal family in danger," will evidently serve at any time, and under any circumstances, especially as that family have it always in their power, by plotting, to lay the authorities under the necessity of subjecting them to some constraint. This, we confess, has rather a warlike aspect. But when we observe farther, the charge to which the French Government is putting itself, by accumulating troops and warlike stores upon the frontiers, and the open and insulting protection given to the Spanish rebels, in contempt of the law of nations, we cannot believe that this Government is disinclined to a Spanish war. Every one sees that the experiment would be perilous to France; and the more rational part of the French Ministry is perhaps alive to the dangers of the enterprise. But there is a party in the Cabinet notoriously bent on war; and working at this party may do, by monks and confessors, on the fears and weaknesses of an old man with a shattered constitution, who will say that they may not succeed in

getting the Government of Louis the Eighteenth to become the victim of its own folly a second time?

Let events go as they will, the acts of the Holy Allies are every day undeceiving mankind more and more. Europe is perhaps on the eve of a war which is to involve millions in misery, while it is as clear as the sun, that the nations in whose name and at whose expense it is to be carried on, have not the shadow of a quarrel with one another. Has any one the audacity to assert, that the French, Austrians, or Prussians, have the smallest desire to interfere with the Spaniards, or the smallest interest in disturbing them in settling their government as they please? If hostilities ensue, the blindest must perceive, that blood is shed, and treasure expended, solely for the gratification of half a dozen of crowned despots. A war for the expulsion of the Turks is the only one the public feeling of Europe would sanction, and this is the very war which the congregated despots will bear any insults rather than enter upon. Very shortly then, it is possible the people of Europe may enjoy the edifying spectacle of a band of princes confederated for the support of religion and social order, sanctioning the massacre of a Christian population, by sustaining the Turkish Government, and with the blood and money of their subjects aiding a banditti of priests to re-establish monkery and the Inquisition, and an unprincipled King to maintain arbitrary power. If such things can be done, Europe is fast approaching to the state of these Indian nations to whose languages liberty has not a name. But we are happy to think that Britain has at length declared off from this antichristian confederacy. Would she now act the mighty part which is so completely in her power, she would indeed reach the very pinnacle of glory.

Article on "Persia."—Our article headed "Persia," in this day's paper, we conceive to furnish matter for deep reflection to every friend of British interests in the East. A more complete exposure of the impolicy chargeable in so many instances, and for such a series of years, upon the late Foreign Secretary of this empire, was never made, than by the writer of the article to which we now invite public attention. Persia, in all respects so important as a mart for our manufactures—as an avenue to our Oriental dominions—as a balance to the ambitious preponderance of another Power—has been actually flung into the arms of that very Power, by the imbecility or apathy of those on whom the foreign concerns of England have been intrusted. An obscure Lieutenant of Native Cavalry, from India, has been matched against some of the most accomplished Russian statesmen, at the Court of Teheran, and we have fared accordingly; for the influence of this country over the Persian councils has been annihilated; and that of Russia, supported at once by able military diplomatists, and by a contiguous army of 130,000 soldiers, reigns there paramount and alone. These were specimens of the Castlereagh art of government. May we hope that there may yet be some redemption for English interests and honour, as well in the appointment of Mr. Canning as in the awakened sensibility of the Directors of our India Company to the immense magnitude of the questions involved in their policy towards Persia? We have reason to believe that on his Majesty's arrival in town this week, this subject, in all its details, will be submitted to the Royal notice.—*Times*, Nov. 20.

The Portuguese Constitution.—Yesterday, (Nov. 21.) at one o'clock, according to notice, the house of the Portuguese Minister, in South Audley-street, Grosvenor-square, was opened to such Portuguese gentlemen (being residents in England) as were desirous of swearing adherence to the new constitution of their country. Previous to the business of administering the oath, high mass was performed in the chapel adjoining the Minister's house. The music given at the South-street chapel commonly attracts a full congregation from among people of all persuasions; yesterday many persons of consideration were present. The church service and ceremonial commenced at eleven o'clock, and lasted until about half past twelve: his Excellency the Minister (who had been present with his suite) then returned to the house of Legation, to receive such gentlemen as might wait upon him.

Russia, Persia, and England.

(From the Times, November 20th.)

Although we have already published a short article from the late Papers on the situation of Russia, England, and India relatively to Persia, yet the subject being one of peculiar general interest in this country, we have thought it advisable to give a more full discussion of it, which we found in a Number of the Times.

During the Marquis Wellesley's administration in India, Persia was an object of his particular notice. After the fall of Seringapatam in 1800, the first mission from any European nation to the Persian Court, was under General, now Sir John Malcolm, who concluded a treaty of amity with that power, by which she engaged to send 20,000 men against the Haffgans, should those tribes attack the Company's territory. The ambassador who was afterwards sent by Persia to ratify the treaty, was unfortunately killed with seven of his suite, in an accidental affray at Bombay. In 1807, Buonaparte, despatched a mission under General Gardine to the Persian Court, and another to Cabul, in Upper India. These missions were viewed with so much jealousy by the Supreme Government, that in 1808, Mr. Elphinstone, the present Governor of Bombay, went on an embassy to Cabul, and succeeded in removing the French mission there; at the same time General Malcolm was sent on a similar errand to Persia; but being insulted at Abushire by an Arab chief, the Persian Governor of that place, he returned to Calcutta. In 1809, the English destined an expedition of 10,000 troops from Bombay against Persia, which placed itself in a posture of defence, and built forts on the coast of Abushire; but such was the dread of this intended expedition, that the Persians resolved on sending a plenipotentiary to India with an offer to expel the French mission from Teheran, and to subsidize any number of British troops that could be spared to expel the Franco-Russian attack on the northern frontiers of Persia. At this critical moment, Sir Harford Jones arrived on an ill-timed embassy from England, quite independent of any control, and without even the privity of the Government of India. The proposals he was instructed to offer to Persia rendered the intended expedition nugatory, and prevented the departure of the plenipotentiary from Teheran. Sir Harford Jones, concluded a treaty by which he engaged the East India Company to pay to Persia a subsidy of 200,000 tomans per annum; and she was also to receive, without any expense to her, as many British officers and non-commissioned officers as she might require to discipline her native troops in the northern provinces. Mirza Abul Hassan Khan, on the part of Persia, and James Morier, Esq., on the part of the British Minister, proceeded to England, and obtained a ratification of this treaty. In 1810, General Malcolm again proceeded to Teheran on the invitation of the Shah, who desired to show him kindness for the treatment he had received at Abushire in 1808; but differences arising between the General and Sir Harford Jones, the former was speedily ordered back to India, and the latter recalled to England. In May of the same year, Sir Gore Ouseley left England as Ambassador Extraordinary and Minister Plenipotentiary to the Persian Court, with a detachment of artillery and non-commissioned officers under Major, now Lieutenant Colonel D'Arcy and Major Stone: the latter died in a few months after his arrival. France and Russia were then in alliance; and Persia was at war with Russia. In consequence of her encroachments upon the Persian territory beyond the confines of Georgia, of which province Russia had possessed herself several years before, France, by General Gardine's treaty, had engaged to assist the Persians with troops to recover Georgia from the Russians; but this was not attempted, in consequence of the subsequent alliance between the Emperor Alexander and Napoleon. On the arrival of Sir Gore Ouseley in 1811, the troops of Abbas Mirza, in the north of Persia, were in a bad state of discipline and wretchedly organized. They consisted of about six battalions, some acting under Persian words of command, others under French, English, and Russian. They had only 13 pieces of field-artillery, and were without wood in the arsenal, or stores in the magazine. One of Sir Gore Ouseley's primary objects appears to have been to effect an alteration in the existing treaty, whereby the expense to the East India Company might be materially reduced. He, therefore, proposed that the British Officers and non-commissioned officers in the service of Persia, who were to obtain one step of local brevet rank, should receive extra pay from Persia according to that rank, out of the subsidy granted by England, which was promised to be continued so long as the Russians retained the Persian territories of Lankaroon and Karrahaugh. The Persians, however, refused to accede to this proposition until after the affair of Sultonbund in 1812, when the Prince Royal's army attacked the Russians and obtained a complete victory. The Shah and Prince Royal ascribed the success to their having been led on by their English friends, and then signed the new treaty proposed by Sir Gore Ouseley. The Persians, headed by English officers, were equally successful on the south-west shores of the Caspian Sea. They expelled the Russians from their posts at Taulish

and Lankaroon; but Lieut.-Col. D'Arcy, the English Commander, was compelled to withdraw his party in consequence of the arrival of two Turkish armed vessels bearing a flag of truce, with the LONDON GAZETTE announcing the preliminaries of peace between Great Britain and Russia. Soon afterwards, Persia lost the advantages she had obtained; and in 1813, by the mediation of the British Minister at her Court, she acceded to terms of peace, by which she not only ceded to Russia the province of Taulish, as far as Astaria, but renounced all claim to Georgia and Mongrelia, as well as the right of navigating the Caspian Sea by armed vessels of any description. Though she still holds the port of Resht on that sea, she is restrained from even building a boat, notwithstanding there is a remarkably fine forest of timber in the province. Subsequently, the Russians conquered the entire province of Baghistan from the native tribes.

In consequence of this treaty, Sir Gore Ouseley, in May, 1814, proceeded to St. Petersburg, leaving Mr. Morier in charge at Teheran. He was shortly joined by Mr. Ellis, with instructions to cut off the subsidy, and every other expense attached to England. This measure, effected against Sir Gore Ouseley's assurance to the contrary, was the principal feature of Mirza Abul Hassan Khan's second embassy to England in 1819, when it was arranged by the late British Minister for Foreign Affairs, that 100,000 tomans, or six months' arrear of subsidy, should be forthwith paid by the Government of India to Persia. As a measure of economy, but in violation of the third article of the Persian treaty with England, Messrs. Morier and Ellis, ordered all the British officers and non-commissioned officers to depart from Persia by the 1st of January following, notwithstanding they were entitled to pay, whether they remained in Persia, or were in England or India. The Prince Royal remonstrated and protested against the measure without avail; but this mistaken economy being persisted in, the Prince resolved on procuring French officers to replace his English friends—a purpose that he abandoned solely on condition that Lieutenant-Colonel D'Arcy would take a certain number of Persian youths from Tabriz to England under his immediate charge, for the purpose of receiving liberal and scientific instruction. The Prince applied to the British Minister at Teheran to sanction his wishes, which were so far acquiesced in, that Lieut.-Colonel D'Arcy had no alternative but to proceed with his charge, or take upon himself the responsibility of seriously offending the Prince by a direct refusal. They accordingly proceeded to England by way of Russia, "subject to the ulterior wishes of his Majesty's Government." The British officer intrusted with these youths, had funds placed in his hands by the Prince Royal to pay the expenses of their journey, and a regulated allowance during one year's residence in England; which, in the event of an objection by the British Government, was to be applied in defraying the charges of re-conducting them to the Persian Ambassador at St. Petersburg.

In the preceding year, the Persian artillery, arsenal, army, &c., were placed under the direction of the British officer in command, to whom was also committed the organization of the Persian army, the superintendence of their mines, the direction of their frontier defences, and the regulation of their agriculture, trade, and manufactures. At the departure of our officers from Tabriz, the Prince Royal's army was under uniform discipline, and its force at follows:—

- 4 Troops of Horse Artillery, 6 guns each.
- 2 Companies of foot ditto, for garrison.
- 1 Corps of camel ditto, 100 strong.
- 12 Battalions of Infantry (800 rank and file each), divided into divisions and brigades, with full complement of drums, fifes, &c.
- 2 Regiments of Lancers.

In addition to the above, the arsenal had a year's supply in store; six iron mines were opened, and an iron foundry for shot and shells commenced; a coal mine was discovered and worked, and a machine erected for boring cannon. Such beneficial effects to Persia from the exertions of British officers, and at the expense of upwards of a million and a half of money in subsidy, missions, and other expenses, secured a preponderance of favour to British interests.

After the departure of Sir Gore Ouseley our affairs at the Persian Court gradually assumed another aspect. When Mr. Morier and Mr. Ellis quitted Teheran, Lieut. Henry Willock, of the Madras cavalry, who had acted in the subordinate rank of Aide-de-Camp to Sir Harford Jones, was left in the important situation of British *Charge d'Affaires*; and from that moment our interests declined before other influence. Russia seems to meditate at some period or other the annexation of Persia to her already enormous territory; and, from enjoying the free navigation of the Caspian Sea, she has at present the power of annoying our Indian possessions when she pleases. She not only diligently cultivates commercial advantages with Persia, but with various tribes in Turkistan. In 1820, a Russian mission, splendidly fitted out, and attended with a considerable military guard, proceeded to Herat, Bokarrah, and such other places as were found most advisable for opening a new trade for Russian manufactures, and for procuring a

direct supply of Cashmere shawls for the Russian market. These are obtained, even by the Persians, through the India market only.

Latterly the British Government appears to have considered Persia of little importance to this country, and the Russians readily stepped into our shoes. In 1817, General Yermoloff having been appointed Governor of Georgia, he occupied that territory with 50,000 chosen Russian troops, personally surveyed its military posts, and entered Persia in the character of Ambassador Extraordinary from the Court of St. Petersburg, with a suite composed of the flower of the Russian Nobility: this embassy was dignified in the eyes of Persia by extraordinary magnificence and splendour. Yermoloff concluded a treaty of alliance and commerce between the two Powers, and at his departure left Colonel Mazzaravich as Russian Charge d'Affaires. This officer, with qualifications fully adequate to such an important station, takes every opportunity of cultivating the good will and esteem of the Persians. His applications to the Persian Courts are uniformly successful, for he spares neither pains nor expense to conciliate their friendship. The 50,000 Russian troops in Georgia in 1817 were increased in 1820 to 100,000, and in the present year there are 130,000, although during the war between Russia and Persia, the number rarely, if ever, exceeded 30,000. This military aspect may account for a current anecdote, that at an entertainment given by Colonel Mazzaravich, he observed, "that the Persians must submit to the dictation of Russia with respect to a successor to the Throne on the death of Fattah Ally, the present Shah." He keeps an open table for the Persian nobility, and his general style of living is worthy the representative of a great nation. England, to compete with this man, has been represented by an individual whose subaltern rank in the army rendered him, in the first instance, of little consequence in the eyes of the Persians; while his inferior style of living, his opposition to the wishes of the Prince Royal, and his general demeanour, made him personally obnoxious, and occasioned comparisons to the disadvantage of himself and the British interests. At length, serious differences arose from the non-payment of the 100,000 tomans, which was to have been settled by the East India Company for arrears of subsidy due to the Shah. The delay in fulfilling this engagement was attributed by the Court of Persia to Mr. Willock; the money had been given up by the Shah to the Prince Royal; and to appease His Royal Highness, Mr. Willock had on one occasion advanced 10,000 tomans on account of it. The Prince issued a second order upon Mr. Willock for 2,000 tomans, which he declined paying; and when pressed upon the subject by the Kayem Makom, or Chief Minister, who had been tutor to the Prince Royal, Mr. Willock gave great offence by charging the Prince and this Minister with a breach of faith in entering the Turkish territories contrary to their promise to him, and he assigned this as an additional reason for not advancing more money. The Prince and the Kayem Makom denied the charge; and the Shah's ministers intimated, that any complaint upon the subject came with an ill-grace from Mr. Willock, who had never interposed amidst all the insults Persia had received from the Turkish commanders in Azarboon. The advance of the 10,000 tomans, and Mr. Willock's reference to this affair, as one ground of refusal for further advances, increased the suspicion previously entertained; and the Shah, in a moment of irritation, prepared to enforce the payment of the 2,000 tomans from Mirza Abul Hassan Khan, by whose embassy to the Court of London the arrangement had been concluded. Ultimately, cooling upon this resolve, he sent Aga Mahomud Kerrem to Mr. Willock to insist on payment of the Prince's order. This messenger had incurred the Shah's displeasure in a former transaction, and he determined to redeem his credit by succeeding, if possible, on the present occasion. Unluckily, he overacted his part, and told the British Charge d'Affaires, that if the Prince's order was not paid in five days, he had the King's command to return at that period and cut off his head. Mr. Willock immediately demanded a Mehmandah to attend him to the frontiers. Assurances on the part of the Shah himself, under his own seal, as well as explanations on the part of his Ministers, were ineffectual to restrain Mr. Willock from leaving Persia. The Shah condescended so far as to offer marks of his particular kindness to our Charge d'Affaires, in atonement for the mistake; and the Ministers stated the necessity which existed for his remaining, in consequence of negotiations then pending with the Porte. Mr. Willock, however, insisted on taking his departure, though the Shah assured him that if he left the Court unpleasantly, or contrary to his wishes, Persia would feel it essential to her dignity to dispatch an envoy to England, with a report of Mr. Willock's offensive conduct, and to require the appointment of another person in his stead. The unappeasable Charge d'Affaires left Teheran, and Mirza Mahomud Sanhah, one of the students formerly in England, was accordingly appointed Envoy Extraordinary from Persia to London. The Mirza arrived here by the way of Russia. His reception in that quarter must have formed a striking contrast to the neglect that he and his companions experienced during their residence in England. He was provided with an establishment and equipage by the Russian Government, conducted to see every thing worthy his attention, and the Emperor presented him with a diamond

ring of great value. On his departure, a vessel was provided to convey him and his suite to England. The Captain was commanded to pay them every attention, and not to suffer another passenger on board, nor to take the slightest present from the Mirza, or any of his suite. In compliance with the express desire of the Emperor, a young artist, who accompanied the Mirza to England, was a few days ago sent back to St. Petersburg for education at the Emperor's expense. In the event of the British Government or the East India Company declining to advance a portion of the subsidy money, the Mirza received a letter of credit on the Russian Representative at the Court of London for 30,000 ducats, that he might experience no difficulty to the making of purchases in England. These are strong indications of the importance attached by Russia to her Persian connexion.

The Envoy's mission embraces several objects. He is the bearer of a firman of congratulation to his Majesty on his accession to the Throne: he is instructed to require payment in London of 15,000*l.* in part of the subsidy arrear; which the Court of Directors has complied with; he is commissioned to purchase arms and clothing for the Persian army; he has orders to lay before the British Government, the Shah's disavowal of Aga Mahomud Kerrem's offensive message to Mr. Willock, and to submit the same explanations upon the subject which were offered without effect to that gentleman in Persia; he is further instructed to exhibit a list of specific charges against Mr. Willock for alleged improper, and even insulting, conduct to the Shah, the Prince Royal, and their ministers, and even to the whole nation, in the violation of a sacred religious rite; and he is especially required to protest against the reappointment of Mr. Willock, and to solicit for his successor a gentleman whose personal demeanour may be the means of preserving harmony between the two Powers.

Whatever be the grounds of dislike with the Government of Persia towards our late Charge d'Affaires, they are seriously advanced; and it is not to be believed that British interests in that quarter will be jeopardized by the reappointment of an individual who has become obnoxious to the Persian Court.

We have reason to think that the issue of the Persian Envoy's mission will determine whether it will be worth while for the East India Company to continue their depots at Abushire, Bussora, and Bagdad, which were established principally for the supply of the Persian market, and where they have residents in charge at a considerable expense. It is understood that a proposition has been made to Persia, on the part of Russia, which if acceded to, will ultimately secure the whole of the trade to the Russian merchants; a reply has been waved until the fate of the present mission is known.

Mr. Canning will doubtless investigate this subject himself, and give it the calm consideration of his own mind. It is an affair of too much importance for management by others, who may consult particular interests that by no means harmonize with the welfare of Great Britain as connected with the safety of her Indian possessions. Persia neither undervalues the friendship nor the manufactures of England. On the contrary, we may preserve our pre-eminence if we will. Should Government, by a wise disregard of personal considerations, act liberally and justly towards Persia, our foreign trade will reap the benefit; by a contrary course, she will leave Persia to the influence of Russia, and our northern ally will enrich herself by ultimately excluding the English merchant and the East India Company from participation in Persian Commerce.

Martial Music.—Martial music has great and general power. Though it excludes everything vocal, in which I delight so much, yet I am very fond of martial music—not exactly drums and fife, but the full band of a regiment, a cavalry regiment in particular. And how seldom does a band play "pieces of music;" and when it does, how much less is their effect than that of their own enlivening and exciting tunes! I am sure the drum and fife enlist as many recruits as the serjeant. "The British Grenadiers" has more eloquence than ever even Kite possessed. It is very politic, I think, as well as very delightful, to give each regiment its band. It serves more than all else to throw the veil of gaiety and spirit over the sad realities of a soldier's life. It has the principal share in putting out of view the privations of all kinds which he endures; the exposure to excruciating heat or insupportable cold—the marchings even unto dropping dead with fatigue—the famishing hunger—the fearful thirst—the perishing from pestilential disease or agonizing wounds, untended and unloved, with no dear or fond one to soothe that dreadful moment, the passing of the spirit into eternity. All these are the real and every-day occurrences which a soldier has to meet and suffer; but who thinks of them when the band is playing on the parade on a Sunday evening—when every thing is life and gaiety and brightness—and when Music stirs the soul with all the warmth and excitation of joyousness, glory, and ambition?—*The Album.*

PORTSMOUTH CAUSE.

— 645 —

The Portsmouth Cause.

COURT OF CHANCERY, THURSDAY, NOVEMBER 7, 1822.

THE ATTORNEY GENERAL said he appeared for the petition of Henry Wallop Fellowes, Esq. which set forth that the Earl of Portsmouth was of unsound mind, and altogether unfit for the management of his affairs. The conduct of the Earl for many years was referred to as proof of this allegation, and particularly within the last year. His Lordship had gone in October last year to Edinburgh, and had returned in July last within the jurisdiction of the Court. The prayer of the petition was, that a commission should be issued for inquiry, in the only competent mode, whether his Lordship was, or was not of sound mind. It was his (the Attorney General's) duty, as the petition was opposed, to open the facts of the case as they appeared in evidence. The name of the Earl of Portsmouth was not unknown to his Lordship in that Court, and he (the Attorney-General) anticipated that it would be pressed much by the other side, that about seven years ago a similar application had been made, when his Lordship had not thought fit to issue the writ sued for now. But this application was dependent upon evidence subsequent to the former application; and the only question now was, whether this was not such a case as called for a writ of inquiry in the form of a commission. The evidence was very voluminous and of two descriptions. A part was of the strongest nature as against Lady Portsmouth, who was the party opposing the prayer of the petition. He meant that this part of the evidence proved, by her ladyship's treatment of the Earl during the 5 or 6 years that he had resided with her, that the Earl was not in her estimation, or that of her friends, fit to manage his own affairs. The second description of evidence showed that the Earl laboured under a delusion, which alone would be sufficient to induce his Lordship to issue the writ now applied for. The Earl of Portsmouth had been first married to a lady of the family of Lord Grantley. His affairs had been placed under the management of Mr. Newton Fellowes, his lordship's brother, and Mr. Hanson, by a trust deed, to which it was not necessary to refer more particularly. The first Lady Portsmouth had died in Nov. 1812. Three months afterwards Lord Portsmouth came to town from Hursbourn, in Hampshire, and in a few days after his arrival married without any intimation, and without anticipation on the part of any of his friends, the present Lady Portsmouth, daughter of Mr. Hanson, one of the trustees of his affairs. With that Lady he had resided until the present year, the application for a commission in 1815 having been refused by his Lordship. In 1816 the Earl of Portsmouth quitted Hursbourn, and came to reside at Fairlawn, near Acton. There he was treated more like a child than like one of his rank and distinction. The Earl was now 53 years of age. At the time of his removal to Fairlawn, a Mr. Alder was introduced into his family. He had no connexion with the family, but was introduced merely by Mr. Hanson. This gentleman had been, until July, last, a perpetual inmate in the family, but rather as a keeper and guardian to the Earl than with any other view. Several witnesses, to whose affidavits he would call his lordship's attention, proved that the Earl of Portsmouth had been treated by this gentleman with great indignity, and, on occasions, with cruelty. He had often been chastised as a child; his cries had been heard; he had been driven to complain to Mr. Birnie, now Sir Richard Birnie, who had lived in his neighbourhood. This testimony was confirmed by the testimony introduced on the part of Lady Portsmouth. The first affidavit to which he called attention was that of Mr. Cagy, who had been butler to his lordship for several years up to 1818. His affidavit contained long details showing that his lordship had most childish habits. Lady Portsmouth had desired him not to care for the Earl or take any notice of him. He was even directed by her ladyship to chastise him whenever his conduct required it: and he stated in his affidavit that he had been in the habit of chastising him with a whip, but without injuring him. He had seen her ladyship chastise him with a horsewhip, both dressed and undressed in bed. Attempts were made, indeed, on the other side to meet this part of the case. Two sisters of her ladyship deposed that it was merely in jest. Miss Flora Hanson admitted that she saw Mr. Alder on two occasions strike him. Once, when the Earl was in a great passion and had struck the deponent, Mr. Alder tripped up his heels; and again when he had struck or pinched the Countess, Mr. Alder struck him with his fist.

THE LORD CHANCELLOR remarked that there was no affidavit by Alder.

THE ATTORNEY GENERAL said there was not, nor by Mr. Newton Hanson (brother of the Countess), nor by the Countess herself.

MR. HORNE said there would be an affidavit by Mr. Newton Hanson. Was there no redress for the calumnies uttered against Mr. Alder and Lady Portsmouth?

THE ATTORNEY GENERAL said he was not aware that truth could be calumny. But these facts did not rest solely on the testimony of Cagy. A witness of the name of Bloomfield, who lived very near the residence

of the Earl of Portsmouth, heard often cries of murder, and other cries of distress, uttered by the Earl. It was so shocking to the feelings of Bloomfield and his family, that they wished to leave Fairlawn. Those cries became more frequent after Cagy, the butler, had left. This witness deposed that the Earl was under a medical man and keeper, and that the gentleman who appeared in that character was often seen walking about in great confidence with Lady Portsmouth, while the Earl wandered alone quite dejected. Monck also, another witness who had been servant to the gardener of the Earl of Portsmouth in the latter end of 1816, saw the Earl receive a violent slap on the face from his Lady. The Earl cried out "O Lord!" The gentleman who attended him struck him then with a horsewhip. The Earl cried "Murder." He was then forced down the steps, and fell on the gravel so violently, that it was a mercy he had not broken his back. This witness saw him chastised in the most cruel and brutal manner in presence of his lady. The deponent was desired by Jones, a servant, to lock the gate, that the Earl might not run away. He had frequently afterwards seen the Earl amusing himself with a horse and cart driving out dung. Richard Jones, the gardener, was told by the Lady that the Earl was very strange, and the deponent was to attend only to her for directions, and for the settlement of his accounts. The Earl frequently talked about funerals, which he called black jobs. These facts were not contradicted at all. They were confirmed, indeed, by the silence on the other side. Was this, then, treatment to be applied even to a man of weak understanding, capable of managing his own affairs? Would his lady submit to see him chastised and laughed at, if he were of sound mind? Such treatment was demonstrative proof of her impression of his state of mind. It was clear demonstration that she considered him to be in that state of mind which constituted a necessity for the interference of this Court. There were yet other facts which had taken place at Fairlawn, and which, though they might be called base and unfounded calumnies, fully established the allegations of the petition. Mr. Alder, who belonged to the profession of the law, had been introduced under the guise of a medical man, had acquired an ascendancy which nothing but the incapacity of the Earl could have permitted, and had in fact used familiarities and intercourse with the Countess under the very eye of the Earl which none but a man whose mind was weakened by disease could submit to. Cagy gave evidence of having heard Mr. Alder go from his own room to the Countess's bedroom. The situation of the rooms was given in evidence. It was not denied that Mr. Alder slept in a bow room, which communicated by folding doors with the room in which Lord and Lady Portsmouth slept. Transactions were detailed which proved that familiarity and intercourse took place between Mr. Alder and the Countess in the presence of the Earl, without being affected by it. This fact alone, connected with what took place in Scotland, proved to demonstration the incapacity of his Lordship. Why had there been deception in the introduction of Mr. Alder as a medical man? Was this true, or was it not? The Earl uniformly declared that this deception had been practised. Was it true? If it was, then, the deception was practised for an improper purpose. If it was not true, and it was mere delusion in his Lordship's mind, then he was of unsound mind, and in a state of mental incapacity. Mr. Alder, after he had been introduced as a medical man, had access at all times to the Countess. He accompanied her as her companion and friend to Southend, and Lord Portsmouth was left at home. In November last year, Lady Portsmouth took his Lordship, Miss Hanson, and Mr. Newton Hanson to Edinburgh. They were shortly joined there by Mr. Alder. On their arrival there their conduct came under the observation of persons wholly indifferent, unconnected, unimpeachable, and unimpeached, and speaking to transactions which came under their own eyes. Mrs. Evans, whose affidavit he would first advert to, kept a lodging house in Frederick-street. A party came to her house in a coach with a coronet. She learnt it was the Earl of Portsmouth. Observing the person who was pointed out as Lord Portsmouth acting strangely, she asked Miss Miller, their maid, if all was right. Miss Miller was reserved, and gave no answer; but afterwards she told deponent, that the Earl was often beaten, especially when Mr. Alder was present. During the first few days a child of the deponent's was always with them until Mr. Alder arrived. Lady Portsmouth then became nervous, and could not bear the noise of the child. Mr. Alder desired to have a pass-key to let himself in at all hours of the night, but deponent refused, and said her maid would sit up for him. Miss Miller told deponent that Mr. Alder was no relation, but that there was great intimacy between him and her lady—that he was always sneaking about her, and that there was no peace since he came. Dr. Hamilton came to visit Lady Portsmouth there. Afterwards Lady Portsmouth and Mr. Alder, Lord Portsmouth having gone out, were going together into a bed room, but the deponent's maid being there, Lady Portsmouth pushed away Mr. Alder, and they went out, though the day was very coarse. She was so disgusted by what she saw, that she ordered them to leave her house, and in fact they did leave her house on a very short notice, and went to Macgregor's hotel, in St. Andrew's square, and afterwards to Mrs. Sutherland's lodgings. Mr. Macgregor's affidavit stated that a gentleman and Lady came to his house for lodgings, and afterwards others

joined them. The house being very full, they occupied the attics. He had waited on them himself, contrary to his purpose, and thought Mr. Alder Lord Portsmouth, seeing him on such terms with the Lady as a husband might be expected to be. It was he who had come to engage the lodgings with Lady Portsmouth. It was not denied that they had come to the house by themselves before Lord Portsmouth came. Deponent went up stairs and saw them sitting on an incomplete bed, there being a complete bed also in the room. Lady Portsmouth seemed nervous. About 7 o'clock in the evening he went up to nail a piece of cloth on the outside of the door, but fearing the noise might disturb Lady Portsmouth, he opened the door and asked if he should do it. They were both in the bed and the curtains drawn. Mr. Alder, whom he took for Lord Portsmouth, put out his head and desired him to do it by all means. Deponent was so disgusted that he insisted on the whole party leaving the house. The servants of another lady, who was in the house, had seen such familiarity with Mr. Alder that the lady complained to the deponent. So anxious was the deponent, therefore, to have them out of the house, that he looked out for lodgings for them; and did not get payment of his bill till a month afterwards. Here, then, it would be remarked, that the lodgings had been taken by Mr. Alder, and that his Lordship seemed as in a dream—led as others pleased. Where did they next find lodgings? With Mrs. Sutherland, who kept a lodging house in Abercromby-place. Miss Miller had made an affidavit, denying the testimony of the two preceding witnesses, but not a single fact of Mrs. Sutherland's deposition was denied. He (the Attorney-General) had stated, that in Nov. 1821, Dr. Hamilton was consulted. Mr. Alder and Lady Portsmouth came to see Mrs. Sutherland's lodging. Mrs. Sutherland took him for the husband. Miss Hanson was with them. Deponent asked how long they would require the lodgings; Mr. Alder answered, "Perhaps nine months," looking significantly at the ladies. This was in November, and in the month of August Lady Portsmouth was brought to bed. This, he (the Attorney-General) contended was proof of intimacy. A remark so indelicate would not have been made in such a manner, if improper intimacy had not existed. Mrs. Sutherland did not approve of what she saw. Mr. Alder suffered himself to be addressed by her as "My Lord." Deponent reluctantly received them on getting a written declaration that they would leave at the end of a week. What situation was this for a peer of the realm, that he should have great difficulty to procure accommodations in a respectable house in Edinburgh? Mrs. Sutherland heard violent screams which alarmed her first as being her child's.

Mr. HORNE.—I have asked whether the written paper is forthcoming.

The ATTORNEY-GENERAL.—No, it is not.

Mr. HORNE.—No, because it never existed.

The ATTORNEY-GENERAL.—On the Sunday, the second Sunday after they had come to the lodgings, Lady Portsmouth was in bed when all were supposed to have gone to church, and then this deponent discovered what he (the Attorney-General) would not detail. On the Thursday afterwards they removed to King street. He would now proceed to state the evidence of the manner and circumstances of his lordship's removal from Scotland. Disputes, and a suit in that court between Mr. Fellowes and Mr. Hanson, had been referred to Mr. Skirrow. When Mr. Skirrow was at Hursborn arranging the papers and accounts of the family, he was told by Lecane, who was resident there, that Lord Portsmouth was treated very improperly by his lady and Mr. Hanson. Mr. Skirrow became alarmed that the Earl had not been treated properly when he signed bills and accounts which were now under his consideration as referee. Rumours had reached Mr. Fellowes, too, of the treatment of his Lordship in Edinburgh. In consequence of such reports, measures were taken to bring Lord Portsmouth back within the jurisdiction of that Court. It had been said that he had been improperly removed from Edinburgh, and threats had been held out respecting that conduct; but his removal was indispensable in all the circumstances. Mr. Fellowes and Mr. Skirrow were aware of the thraldom in which he was held, that he was chastised and deprived of money. It was clearly proved by the evidence, that the Earl had never been intrusted with money. At Fairlawn he had been obliged to borrow £1. from James Ratty, who had been a servant at Tattersall's, and afterwards a gardener at Fairlawn. Mr. Norton, a relation of the first Lady Portsmouth, and Mr. Combe, proceeded to Edinburgh in July, in order to release his Lordship from his thraldom. Fortunately they met him in the street. They carried him to Lord Grantley's seat, where he was seen by Mr. Skirrow, who thought it highly important that he should be seen by medical gentlemen. Dr. Powell and Sir George Tuthill saw him accordingly. Sir George Tuthill summed up in these terms:—"If the statements made by his lordship were true, he was incapable of managing his own affairs; if they were not true, then he suffered under a mental delusion which showed him to be incapable of managing his own affairs." It appeared from Mr. Skirrow's affidavit, that Dr. Bankhead visited his Lordship at Hursborn, and went thither with Mr. France, Lady Portsmouth's attorney; but no contradiction was given by Dr. Bankhead's

affidavit to this part of Sir George Tuthill's affidavit. Dr. Powell visited Lord Portsmouth at Mr. Skirrow's house in Gower-street, and said that from a single interview he could not make an affidavit sufficient to go before a jury, but that it seemed to him materials were not wanting. To Dr. Powell the Earl said that he should like to have a coronation at his country house. Deponent stated, too, that his general treatment was that of a lunatic, and worse than was applied to persons in an inferior station; that he was chastised, not intrusted with money, threatened with punishment if he did not return home when ordered, and often shut up in a private room; that the account he gave of his marriage, the indecencies he endured in his presence, his submission to the restraints of Mr. Alder, whom he believed to be a medical man, for four years, and who had access to Lady Portsmouth at all hours in that character, were symptoms of decided insanity. The deponent further stated, that Lord Portsmouth believed that a criminal intercourse was carried on between Lady Portsmouth and Mr. Alder, though he believed the child to be his. The deponent was of opinion, that only the Lord Chancellor could afford him protection. It was Mr. Newton Hanson who had convinced Lord Portsmouth that the child was his. Where was Mr. Newton Hanson's affidavit.

Mr. HORNE.—There will be an affidavit by Mr. Newton Hanson. I said so before.

The LORD CHANCELLOR expressed his willingness to receive affidavits in this case up to any period of the proceedings.

Mr. HEALD begged to call his Lordship's attention to the causes of not filing all their affidavits earlier. The absence of counsel until very lately, and the hopes they entertained of access being afforded to medical men, had caused delay. They could not get medical men to go to Hursborn without a fee of 100 guineas, while they, on the other side, had brought his lordship to town, where medical men could easily see him.

The LORD CHANCELLOR repeated that he would receive any affidavits.

Mr. HORNE reminded his Lordship that he had asked delay until their affidavits could be filed, but that his Lordship had said he was ready to hear the cause up to a certain point.

The LORD CHANCELLOR said it was so.

Mr. HEALD asked whether his Lordship would not tell them what that point was?

The LORD CHANCELLOR said he would explain that. Application had been made to him for issuing a commission of inquiry. He could not grant this commission without affidavits. The view he took was this:—It had been stated that Lord Portsmouth was now in a state of captivity. If he was so, and of a sound mind, a different mode of relief ought to have been resorted to. A *habeas corpus* had been applied for, but Mr. Justice Bayley was of opinion he could give no relief. Lady Portsmouth might go to another Court for a restitution of conjugal rights. Whether she could succeed or not in that, he (the Lord Chancellor) had nothing to do with. Lord Portsmouth might go into a Court of Justice for other purposes. Assaults were alleged to have been committed. If the affidavits were true, there were grounds for charging a most gross conspiracy; but he had nothing to do with all these remedies. But he was clearly and decidedly of opinion that he had a great deal to do with the considerations which were suggested by the conduct of Lord Portsmouth himself and the impressions of others as to the state of his mind. When he spoke of considering the subject up to a certain extent, he meant to know who would or would not give information on the subject. He was sorry to make any observation upon the conduct of any of the medical gentlemen. Four of those gentlemen they were well acquainted with in that Court—Dr. Powell, Sir George Tuthill, Mr. Sutherland, and Mr. Warburton. Their evidence furnished grounds stronger than were usually required for a commission of inquiry. He formed a wrong estimate of his own powers if he did not suppose himself wrong when he differed from them, but it was his business to act according to his own conviction. To them Lord Portsmouth talked of having a throne like the King's. This was very like delusion. But statements made by Lord Portsmouth might be false, and yet be no delusion. If he had seen Dr. Bankhead before his visit to Lord Portsmouth, he would have said "Read all these affidavits before you go to see him."

Mr. SKIRROW explained the circumstances in which he saw Dr. Bankhead.

The LORD CHANCELLOR said it was not worth while going at all to see him if he (Dr. Bankhead) let Lord Portsmouth know his object, and if he did not know himself the affidavits which had been made of Lord Portsmouth's conduct, and of the conduct of others towards Lord Portsmouth. Such previous knowledge was necessary in order to ascertain the state of his Lordship's mind. They were the *media conclusendi*. He would not close this case without giving every possible opportunity of filing affidavits.

Thursday, April 17. 1823.

— 647 —

Mr. HORNE said he had so understood his Lordship.

The ATTORNEY-GENERAL proceeded. He must remark upon the case as it now stood, when there were no affidavits by Mr. Newton Hanson, Mr. Alder, or Lady Portsmouth.

The LORD CHANCELLOR remarked, that Lord Grantly had said in a prize cause that additional evidence was offered for easing, where the case pinched.

Mr. HORNE—That does not apply here, for I wished for delay at first.

The ATTORNEY-GENERAL.—Dr. Powell had several interviews afterwards with Lord Portsmouth. On July 12, he found him under much greater irritation, and violent without sufficient cause. His memory was remarkably tenacious. He talked of the throne to be erected at Harebourn—of the corporal punishments inflicted upon him—of being confined in a room, and of no money being intrusted to him. The deponent considered him of insane mind, and entirely unfit for taking care of his person or property. Sir George Tuthill had also several interviews. To him Lord Portsmouth said, that he had called on Mr. Hanson, and told him he wished to be married, but that Mr. Hanson said he could not unless he married his daughter; that he went at once into the drawing room, and made the proposal to Miss Hanson, and that she agreed provided it should be instantly done. His Lordship went on to state, that 4 years afterwards a medical man was called in, who had access at all hours to Lady Portsmouth, and used to lie down beside her when he (Lord Portsmouth) used to be driven to a sofa as a punishment. To this deponent, too, his Lordship related his treatment in Edinburgh—told the story of the throne, and said that there was a Bow-street officer kept at Gower-street to prevent his being taken away. Sir George Tuthill was of opinion that he was of unsound mind, and wholly incapable of managing his affairs, whether his statements were true or not. Dr. Sutherland made affidavit to the same effect. He said his Lordship took the lancet and tape out of his pocket, with which he used to let out blood from his arm, and then to tie it up again. This corroborated the testimony of Cady, who deposed of this fact. Mr. Warburton stated his opinion, that if Lord Portsmouth's statements were delusion, he was insane; if they were not, and he really ended such treatment, he was insane. The order of the Lord Chancellor before the long vacation had been that Lord Portsmouth should not be disturbed, but that reasonable access should be given to medical men. In October, intimation was given that Dr. Bankhead was to be sent down. Sir George Tuthill thought it of importance that Mr. Skirrow should be present. Mr. Skirrow was at Harebourn when Dr. Bankhead arrived. Mr. France stated that timber was thrown into the carriage way. This was accidental, however, and no obstruction. The Earl was not in the house. He was alarmed by hearing that Mr. France, solicitor to Lady Portsmouth, was come. He thought it was intended to remove him, and called two of his servants to protect him. It was extraordinary that Dr. Bankhead should have stated to him that a commission of lunacy was to be issued against him, and according to Mr. Skirrow's affidavit, said he was a particular friend of the Lord Chancellor, and had come to see him at his Lordship's desire.

The LORD CHANCELLOR denied that he knew Dr. Bankhead, or had ever spoken to him.

Mr. SKIRROW said it was a mode of tranquillizing the Earl's mind.

The LORD CHANCELLOR.—I can only say, if I saw him it must have been when I bagged so much game without a license.

The ATTORNEY-GENERAL.—Dr. Bankhead told the Earl several times that a commission of lunacy was applied for; he said that he had seen Lady Portsmouth, who was a most amiable woman, and that his child was the finest child in the world; he mentioned that his lady would live with him again; but he said—"No!"—Dr. Bankhead said she would receive him again with cordiality; but Lord Portsmouth replied, "She will have that fellow Alder and Hanson with her." Dr. Bankhead said she would not, if they were disagreeable to him; and added, "My Lord, they are going to make you mad!" Lord Portsmouth said, "Is it so, Mr. Skirrow? Who presented the petition?" He was informed it was his nephew. Dr. Bankhead then said, "Mr. France and I are come to rebut the attempt." There was a report, then, that Lady Portsmouth had arrived at Whitechurch. The alarm was unfounded, but letters written by Lady Portsmouth and Mr. Hanson convey a suspicion that such an intention was in agitation. Bingham made affidavit that he saw a letter with Mr. Lucas, the gamekeeper, dated 3d of October, to this effect:—"Mr. Lucas, you will be in the way on Monday the 7th, for I wish to release my Lord without waiting for the tedious process of law, and I hope the good people of Whitechurch, Basingstoke, and Overton, will assist me." It had been stated in the public papers that she had besieged the house. That was not true, but she had come to Whitechurch, which was at the park gate, and a mile or a mile and a half from the house. Lord Portsmouth was thrown into a nervous agitation, and was extremely ill. Dr. Bankhead was admitted to his bedside, and a long conversation which he held with him was detailed. No allusion was made in this conversation to the topics

mentioned in the affidavits of the medical men. If Dr. Bankhead was ignorant of those affidavits—

Mr. HORNE.—"He was."

The ATTORNEY-GENERAL.—Dr. Bankhead was the bearer of a letter from Lady Portsmouth to his Lordship on that Sunday morning. Lord Portsmouth said he had not gone to church the former Sunday for fear of Lady Portsmouth and Mr. Hanson, and that he felt the same fear that Sunday. His Lordship went on to say that the child was a fine child. Dr. Hamilton was a clever and a good man. Lord Portsmouth said that Mr. Skirrow prevented him from reading any letters from Lady Portsmouth; and after breaking the seal of the letter then given to him, he laid it down and said he must not read it. Dr. Bankhead's affidavit stated that he had "no hesitation in adding, that Lord Portsmouth, if allowed to exercise his mind calmly and dispassionately, was capable of managing his worldly and spiritual affairs, that his conclusions were correct, that he was not of unsound mind, but that he was not accustomed to act for himself." The affidavit of Dr. Hamilton stated, that "having seen Lord Portsmouth for several months, he considered him a weak man of weak judgment and decided temper of mind, but did not think him a lunatic or a fit object of a commission of lunacy." Dr. Hamilton chose to give his opinion as a lawyer, and not as a medical man. He might be a very good accoucheur, but his opinion of what would be a sufficient ground of a commission of lunacy could not have any weight in that court. There was a letter by Dr. Hamilton in answer to the enquiry of "Lord Portsmouth," in which he said, "Every one was struck as well as myself with the resemblance of the lower part of the child's face to you, during the suspension of animation immediately after the birth." The learned gentleman, after adverting to the painful nature of the case, said, that if his Lordship had a fair doubt upon the subject, he would send it for inquiry to a commission. Mr. Fellows had no object but the care and protection of his uncle.

Mr. WETHERELL followed on the same side. The father of the petitioner had formerly applied for a commission similar to the one now sued for; and therefore he was not rejoined here. Another reason why he was not a party to this petition was, that it was inconsistent with his duty as trustee. He would in the first place direct his Lordship's attention to the application which was formerly made. Then the circumstances given in evidence were suspicious, but not equal to those of the same kind now brought forward, besides many facts of an entirely new character. Now Lord Portsmouth was whipped daily by Lady Portsmouth and her paramour. Now he was fond of singing at funerals, delighted in the ringing of bells, and ran about whipping his servants with nettles. The present application had another feature of novelty and of the highest criminality. His Lordship was now to consider whether Lady Mary Ann Wollop was the legitimate daughter of the Earl of Portsmouth, or the adulterous child of his lady. When Mr. Birnie went into the garden at Fairlawn, in consequence of the complaint of Lord Portsmouth, Lady Portsmouth asked how he dared to enter without leave? and said she was surprised he should attend to any thing Lord Portsmouth said, and that he was not aware of his situation. The peculiar circumstances, then, in the present application, which formed no part of the ground of the former, were—Lord Portsmouth's being unconscious of the adultery, and his inability to resist whipping. The learned Counsel entered next into a minute examination of the evidence from Scotland. Here was a noble Earl, who had the utmost difficulty in procuring lodgings in Edinburgh. He supposed that as much attention was paid to rank in Scotland as elsewhere, yet here was a noble Earl who was refused, and driven from one place to another.

FRIDAY, NOVEMBER 8, 1822.

Mr. WETHERELL proceeded.—The conduct of Lord Portsmouth clearly proved the consummation of insanity, or an intention of depravity. The case was not unprecedented in the decadences of the human mind, though it possesses features of singularity.

The LORD CHANCELLOR said it appeared, that although Lord Portsmouth thought himself in such a state that he could not have a child, yet he thought the child his, and said Mr. Alder was ruptured, and could not have a child. He did not observe that Dr. Bankhead asked one question respecting the matters in the affidavits of which a list had been given to him.

Mr. PEPPY said Dr. Bankhead stated that he was not aware of the affidavits.

The LORD CHANCELLOR thought it singular that nothing passed respecting the four medical men; or, if any thing passed, that Dr. Bankhead did not mention it in his affidavit. Lord Portsmouth's complaint that Lady Portsmouth would not come without bringing about him those persons whom he mentioned, looked very like a suspicion of adultery, at least that she had persons about her whom she ought not.

Mr. WETHERELL then entered into details to show that Mr. Hanson, father of the Countess, was convicted during the lifetime of Miss

Grace Norton, the former Countess, that Lord Portsmouth could not be a father. He next commented with great earnestness on the use of the tape and lancet, and stated in proof of the other evidence to the fact, that he flinched when Mr. Newton Fellows pressed his arm. Mr. Combe had been with Lord Portsmouth during the former lady's life, but he seemed to have been an adviser, friend, and protector of a very different description from Mr. Alder. Mr. Alder had been instructed by Sir Sam. Romilly, and was not unknown at that bar, or on the northern circuit. At Edinburgh Lord Portsmouth was quite willing to go with Mr. Norton and Mr. Combe. Once on the journey he expressed a wish to return, which they made no objection to; but afterwards he said, no, he would not return. It was alleged that labourers with sticks had been stationed in the shrubbery at Hursbörn; but was it not a duty to prevent a rescue, pending this application? Lady Portsmouth had threatened to release him. It was no idle threat, for down she came. He thought it was quite evident that Lord Portsmouth was not of sound mind. The whole moral man was extinct. But in proceedings of this nature, which were only inchoate, his Lordship's part was assimilated to that of a grand jury, and he would therefore send it into a course of inquiry.

The LORD CHANCELLOR did not think the duties were similar; for a grand jury had to consider whether the case was sufficiently clear; his business was to consider whether it was sufficiently doubtful.

Mr. SHADWELL was also on the same side. If his Lordship was perfectly satisfied that no injury would arise to Lord Portsmouth from refusing the inquiry, then he would grant no inquiry; but if Lord Portsmouth's case required inquiry, his Lordship would grant it. There was an affidavit by Miss Eliza Hanson to the character of Lord Portsmouth. She thought him very uncertain in his temper, very ready to get into a passion without cause, and both cunning and revengeful.

The LORD CHANCELLOR again asked if Dr. Bankhead had heard him say any thing of those points to which the medical men made affidavit.

Mr. TRESLOVE said he had not.

The LORD CHANCELLOR was of opinion that Dr. Powell would not have heard one word on those subjects, if he had told him that physicians were to visit him for the purpose of obtaining a commission of lunacy.

Mr. TRESLOVE said that Dr. Bankhead's object was to converse on subjects indifferent.

The LORD CHANCELLOR had no doubt that Dr. Bankhead had wished honourably to do what was right, but his views were disappointed. According to his experience, a different mode ought to have been taken.

Mr. TRESLOVE said it would have been different if Lord Portsmouth had been in town.

The LORD CHANCELLOR.—Could it be doubted that Lord Portsmouth's attention ought to have been called to the topics alluded to, without any mention of a commission? The circumstances might be false, and Lord Portsmouth knew them to be so without any delusion. But it was important to ascertain that.

Mr. SHADWELL proceeded.—An additional reason for the commission was the rank of the party. Had it ever been heard of that a peer in sound mind should say that he excited his passions by the abominable means mentioned in the affidavits by way of joke? But the facts before the Court could not be rejected as false. Although there were contradictory circumstances, yet there was enough uncontradicted to give conviction of the truth. Little circumstances were of great importance in such an inquiry. Cagy, Mr. Hanson, and the repeated narrations of Lord Portsmouth to different persons, proved the truth of the facts in which they all agreed. It was of public interest that a peer of the realm should not be suffered to remain in this state without inquiry. It was a duty which his Lordship owed to the public, as Speaker of the House of Peers, to send this case to a jury, who might return a satisfactory answer.

Mr. BELT followed also for the petition. Lord Portsmouth signed bills in duress. He might be fit to do many things like a sane man, and yet be insane. They had his Lordship's testimony to his skill in arithmetic.

The LORD CHANCELLOR said that was true, and the other side ought to have the benefit of it. In multiplying with several figures, he multiplied right, and I was wrong. At least he satisfied me of that, but perhaps the Lord Chancellor requires a commission of lunacy.

SATURDAY, NOVEMBER 9, 1822.

Mr. BELT concluded his arguments.

Mr. PEPPY addressed his Lordship on the same side. Nothing could be purer than the source of this petition. Mr. Skirrow, in fact, gave it origin, who was well known to be a relation of the Countess. It was in evidence, that Lord Portsmouth was so attached to his tape and lancet, that he returned for them from a house to which he had gone to dinner, so addicted was he to that pollution. Cagy saw Lord and Lady

Portsmouth in bed asleep, and Mr. Alder with them awake. Sarah Laing saw Mr. Alder asleep on her ladyship's lap in the inn at Jedburgh, and Lord Portsmouth present. Lord Portsmouth, when driven from his bed at night, applied to Cagy for a blanket to cover himself with on the sofa. Lord Portsmouth called his lady Mrs. Alder. When Dr. Bankhead first addressed Lord Portsmouth, his Lordship ordered him to be turned out of the park; but upon the Doctor mentioning an acquaintance of his, he said—"Won't you stay and dine with me?" He said then he would never live with his lady for he had affidavits of her guilt.

The LORD CHANCELLOR said he would never send him back to live with Lady Portsmouth or Mr. Alder, because he had no right to do it. To do it by violence or force would be highly criminal. Her way was to sue for a restitution of conjugal rights.

Mr. PEPPY continued. Lady Portsmouth had said that she would not wait the law's delay; she would take a shorter way.

Mr. HORNE.—No such thing.

Mr. PEPPY.—Whoever had the care of him might do with him what they please d.

The LORD CHANCELLOR.—It was his duty, representing his Majesty as *parens patriæ*, to consider whether there were grounds for issuing commission; and if there were, whether it was expedient to issue one.

Mr. HART.—I appear as Lord Portsmouth's counsel, but I have nothing to address to your Lordship. The evidence is before you. It is for your Lordship to protect Lord Portsmouth in the way he wants. If he is insane, he wants a commission; if he is not, he wants none.

Mr. HORNE rose to address his Lordship at half-past twelve. He appeared for Lady Portsmouth, not in the character in which she had been cruelly dragged before his Lordship, that of a culprit, to answer those foul and those most calumnious accusations and attacks which had been made upon her character and upon her honour, and upon the legitimacy of her child, under the mask of their being necessary to prove the insanity of her husband; but he appeared for her in the character which she had a right, if there was justice in this country, to sustain in a court of law, and to assert the character of the virtuous wife of the Earl of Portsmouth, and the virtuous mother of his child—to state for her in that character such reasons as he could, why his Lordship should not grant a commission in the nature of a writ *de lunaticis inquirendo* against her husband, Lord Portsmouth. If it had been possible that this proceeding, or any other inquiry which his Lordship could direct, could by any possibility even upon the clearest proof of the innocence of this oppressed and unfortunate lady, enable his Lordship judicially to pronounce the sentence of acquittal which her honour, and her character, and her innocence entitled her to; or to pronounce the judicial sentence which would protect, not only her character and her honour, but the interests of her child, as the legitimate offspring of her marriage, she would not do what her counsel had now advised her to do—viz. refrain altogether from making an affidavit; but she would, by her own, and the affidavits of others, and by most credible and undoubted testimony, be able to refute those false and wicked charges made against her. Still, as she knew that neither in the inquiry now pending, nor by issuing the commission, nor by any other course of proceeding could his Lordship do her justice, even if her innocence were to be proved, she had thought it right rather to rest content at present, under the aspersions thrown upon her, than to enter the lists with the affidavits now made against her; knowing she would only subject herself to further calumny, without the possibility of his Lordship doing her justice. He (Mr. Horne) therefore appeared for her only in the character of Lady Portsmouth, to argue as well as he could, not only upon the evidence now before the Court, but upon the further evidence which his Lordship's justice and known indulgence in matters of this sort might enable her hereafter to produce, that this commission ought not to issue. With respect to whom he was counsel against: he was not counsel against Lord Portsmouth; he was not instructed by Lady Portsmouth to be counsel against her husband; but he could not but express his surprise, that, in a matter of such momentous consequence to the property of the noble lord, and to every thing a man even in humble situation held to be most valuable, and infinitely more so to a person in his exalted situation, his counsel, taking briefs from him, and therefore to a certain extent acknowledging him a sane man, should not think it right to offer the slightest resistance to the issuing of the commission, which would end in depriving him of his personal liberty, of the management and control of his property, of his rights as an individual, a private citizen, or a peer of the realm, for the remainder of his life. He (Mr. Horne) was counsel against the petitioners; he said petitioners, because the case of the young gentleman who presented this petition could not be separated from his father's, who presented the former petition. These were the parties against whom he was counsel; but he should not follow the example set by the other side, of using the language which their instructions used against his clients. The petitioners were persons having the greatest possible interest in the question; because, if this commission did not issue, the

PORTSMOUTH CAUSE.

—649—

great possessions of the family might descend to the legitimate children of the Earl of Portsmouth, instead of them. So that they had the strongest interest in interrupting the natural course of succession—taking it out of the lineal, and carrying it to the collateral line, viz. themselves; and, therefore, if he could state conduct on the part of these persons as to getting up evidence, which laid them open to strong suspicion, he should not be accused of injustice, however strongly it might bear against them. With respect to the law upon these subjects, he conceived the modern doctrine to be, that a man must be *non compos mentis* to be within his Lordship's jurisdiction, or of unsound mind. No weakness of mind short of that—no capriciousness or absurdities were a ground of a commission; and therefore he requested his Lordship to pause, and in this case more than in others, not only on account of the dignity of the person, and the important consequences resulting to him and the public, but because this was a second experiment upon the same subject, and on grounds not distinguishable in quality or principle, and he hoped he should satisfy his Lordship that it was the same in degree. Without referring to the consistency of his Lordship's decisions, he would here only ask him to agree himself, though the physicians did not agree with themselves, on the ground that his former decision was the best decision on the law, and the best authority on the case. Mr. Wetherell had contended that the evidence proved the moral man did not feel flagellations, and was therefore extinguished. The former application was supported by evidence of flogging servants, and the brute creation, too. Such acts were most disgraceful, but did not prove an unsound mind. But Mr. Wetherell argued that the intellectual man was extinct, because the Earl submitted to be whipped again. He (Mr. Horne) differed. It rather proved that the intellectual man was improved—that he was sensible at the moment of his misconduct, and that he had the sense and discretion to submit to the punishment which his intellect and his understanding told him he so richly merited. He thought this circumstance made the present case infinitely less aggravated and more favourable. As to no money being trusted to him, that also had formerly been stated, and most distinctly proved, yet it was not thought a sufficient ground, nay, added to others for a commission. A great deal of control, too, which was the gravamen of this case, had been proved in the former instance. Mr. Combe had actually been engaged for years in taking care of him, and it had been admitted that it was only by terror and punishment. The late Countess had told Lord Portsmouth that Mr. Combe was a bruiser, and had killed, or would kill a man, in order to terrify. It had formerly been proved, too, that a carter had returned blow for blow, and beaten his lordship till he cried like a child. His tolling of bells, his talking about funerals, his reading prayers, and on one occasion, after having read the morning service, saying, "Well, now stop, though it is not evening, I think we may as well go through the evening service;" these were stated in the former petition, yet his Lordship did not think it right to grant the commission.

The LORD CHANCELLOR said the last instance of insanity did not much affect his mind, as he had to undergo the same infliction once from a gentleman whom Mr. Wetherell remembered very well, not 40 miles from Oxford.

Mr. HORNE.—The most eminent counsel had been engaged on the former occasion, and his Lordship began his decision by saying that he had considered the case with the greatest care.

The LORD CHANCELLOR.—There was no doubt that his attention was called properly to that case. He had a general recollection of it, and might trust his recollection, but he did not think it right in such an important case. He wished, therefore, a copy of the petition and affidavits, and the short-hand writer's note of what he had said on that subject to be handed to him.

Mr. HORNE.—What then was the new case which supported this petition? He would not follow exactly the order of time which the other side had pursued. In the month of February, 1822, a circumstance of great importance as applicable to the petitioners took place, and proved that in their most deliberate judgment Lord Portsmouth was not then insane. Of this belief they gave the most solemn pledge which could be given. It was a deed executed in Edinburgh by Lord Portsmouth, and referring certain questions and suits of great importance to Mr. Skirrow, to whose honour he (Mr. Horne) bore testimony, though he did not think he had exercised a right judgment in this case. Mr. Newton Fellowes was a party to this deed. The effect of it was to withdraw from the protection of the courts certain property, and to convey it to arbitration. He would not insult any of the parties by supposing that they thought him then insane. If they should say that circumstances had since come to their knowledge, he had a right to charge upon them what they had means of knowing, and not what they were pleased to say. So early as December, 1821, Mr. Newton Fellowes had received information of the conduct of Lord Portsmouth; and therefore it was clear, that not only he, but all the parties to the deed, were put upon their guard, and actually knew the state of his mind. The letter which was written

by Mrs. Evans, a virtuous lady of Edinburgh, should be read; because on comparing it with her affidavit, his Lordship would see how the gross and wicked calumnies which he (Mr. Horne) believed originated with that woman, had grown, and the different shapes they had assumed. This letter, if it had been written by a person who meant to state the truth, would have stated all the most material facts when her recollection of them was fresh, and they would not have been kept back till the time this woman made her affidavit. The letter stated, that the family of Lord Portsmouth had resided in the writer's house, and described his lordship as having been beaten and ill used by Mr. Alder, which was the reason of Mr. Evans writing it. Was it credible, if the woman believed the direct charge of adultery which she swore to in her affidavit that she should have kept totally silent respecting it, and only stated circumstances of ill usage? No person could for a moment believe what she had sworn to. Her affidavit was, that she kept a lodging-house in Edinburgh; that in November last the family of Lord Portsmouth came to her lodgings; and observing him to be a man of very odd appearance, who stared about strangely, and seemed to take hardly any interest in what was doing, she asked Miss Miller, Lady Portsmouth's maid, if all was right, and she said all was not right; that afterwards Miss Miller told the deponent his lordship was often beaten, and especially when Mr. Alder was present, and they always shut the door when they had occasion to beat his lordship. The affidavit then went on to state, that Mr. Alder's intimacy with Lady Portsmouth seemed to be of an improper description; and he appeared to be on an equal footing of familiarity with her ladyship's sister, and attracted the notice of the neighbours by carrying one of them in his arms. Did this woman mean to be believed according to the tenor of her letter or not? If she did, here was a distinct charge made, for the first time in July, 1822, of the most shocking conduct that could be imputed to man or woman—not of adultery, aggravated as it was, but of an incestuous intercourse, which must have taken place with the perfect privacy, knowledge, and consent of the two sisters. Such a statement, if it had come from the most respectable and credible person living, could hardly be credited; but having come from such a woman as this, no one would be surprised this noble lady had been advised not to meet such an antagonist in a proceeding which was *coram non judice*. No man living would have wished this lady should commit her honour, her innocence, and her character, to the chance of a contest on affidavits with such a woman.

The LORD CHANCELLOR said he would throw one observation out, that the learned counsel and those with him might consider it. This woman pledged herself to certain things which had passed between her, Miss Miller, and Mr. Alder. Mr. Alder had made no affidavit, and Miss Miller did not contradict her in any one thing.

Mr. HORNE.—His Lordship would allow him to proceed by steps. He could not well see his way through the inventions and misrepresentations of this case; and he was sure his Lordship did not see it: Where no defence could entitle his noble client to protection, and would only lay her open to further calumny, further wickedness, and further perjury, she was properly advised to make no affidavit which stated that the family having gone out, Lady Portsmouth attempted to retire to her bedroom, followed by Mr. Alder; but being interrupted, she pushed him away, and afterwards walked out accompanied by Mr. Alder; that her conduct was such as to attract the notice, not only of the neighbours, but of a fish woman, who called to some persons to see Mr. Alder carrying Lady Portsmouth up the steps. He (Mr. Horne) did not know the habits of Edinburgh—it might be a most virtuous and most moral place; there, however delicate a female might be—however she might want assistance, no man was to presume to carry her up the steps; that was to be evidence of adultery, improper familiarity: instead of the circumstance being the strongest possible proof all was innocent, it was to amount to the aggravated case of adultery and incest; that was the reason of Edinburgh: he trusted no people in England or any where else had such feelings. The affidavit then stated that Mrs. Evans desired them to quit her house. Mrs. Evans described Miss Miller as a person who was anxious to make a communication to her, and was afraid she should be detected by Lonedale, the footman. If she was really anxious, could any one believe she would have confined her information to the beating? Would she not have communicated the rest? If this woman could draw the inferences she did—if the fish-woman could draw such inferences, must not Miss Miller, the confidential maid, have known much more? And if she was ready to communicate would she not communicate one of the first things every babbling lady's maid told, if there was the least truth in it? They then left Mrs. Evans's house, and she had the curiosity to see where they went, and ascertained they had got into McGregor's house in St. Andrew's-square. If all these circumstances took place, how happened it that the parties to the deed were perfectly satisfied there was no foundation for the charge? If they were then satisfied there was no foundation for it, why do they think it more credible now? The next evi-

dance was M'Gregor's; he said Lady Portsmouth and Mr. Alder, whom he took for Lord Portsmouth, came to his house; and having occasion to carry in tea, &c. saw the person embracing and comforting the lady. What was meant by that? If it meant any thing improper, it ought to have been expressed in different terms; he ought to have stated his testimony in language so explicit that the Judge should at least understand it. He then stated that there were two beds in the room, one complete, the other not; the person he took for Lord Portsmouth was sitting on the incomplete bed or sofa. What inference would any one draw from that? If he (Mr. Horne) had seen a gentleman, very far advanced in life, and a lady, undoubtedly very unwell, in his arms, where there was two beds, the one complete and the other incomplete, he would have drawn quite a different inference from what this man had done; and that it was rather evidence in favour of innocence than guilt. About seven o'clock in the evening, upon entering the room he found both parties had retired into the incomplete bed. He could not help making an observation here of the utter improbability of this. If it was true, it amounted to nothing less than an act of adultery. According to the man's confession, Mr. Alder and Lady Portsmouth had not come as two strangers, to take a lodging at which other parties were not to be introduced; but they took it for themselves, Lord Portsmouth, and the rest of the family, who were in a short time to follow. No one could believe that Mr. Alder meant to impose upon the landlord as Lord Portsmouth, and, after being detected in an indecent and improper situation, to leave himself at his mercy. The next was the affidavit of Mrs. Sutherland, who said, that on the 20th of November Lady Portsmouth came to look at her house, and was shown up stairs, and seemed inclined to take the house. The deponent asked for how long a time they were likely to want the house. Mr. Alder replied, looking at Lady Portsmouth and the young lady who was with her in a significant sort of manner, "perhaps nine months." The deponent did not approve of the appearance and conduct of the ladies, or the delicacy of Mr. Alder's insinuation. Surely that mind must be grossly and wickedly polluted, which, from the circumstance of a look, which in all probability was misconstrued, could draw an inference against the character of the parties. When was it ever said to amount to a crime, that, in the presence of a married woman, going for her health to Edinburgh, in order that she might be there for the purpose of being safely carried through her pregnancy, attended by a most eminent man, he should say in her presence, in answer to, "how long they meant to stay?" in all probability nine months; or, as the Attorney-General more probably put it, eight or nine months? Then came the winks. This lady seemed very much to understand winks. If there was any thing important in it, it was certainly only in the mind of the person who put that construction. He recollected in a comedy a young person who was called *Ann Lovely* who is drawn as a very sprightly girl, and is in conversation with an old lady, her guardian, a Puritan—

THE ATTORNEY-GENERAL.—A Quaker.

Mr. HORNE.—There was not much difference, except that the Quaker was a great deal better than the other. The old lady reasons with her on her dress, and speaking of her neck being uncovered at last, with perfect naïveté, lets out—"You should dress as I do, for it is the only way of leaving any thing to the imagination of the men." That was certainly very much the character of Mrs. Sutherland. After they left Mrs. Evans's house, she said they were refused admittance at several places, and in consequence the carriage remained laden with luggage several hours in the street. By whom was this woman so informed? for that the information was false, nobody doubted. There was no impediment at all to their next lodging, they were instantly admitted. Then for what purpose was this introduced? For the malignant purpose of adding to the prejudice which it was intended by other parts of this affidavit to excite against the character and conduct of these persons. Here was a woman having a charitable motive, and being so credulous as to believe anything that was told her, though wholly untrue. She was so wicked as, under the pretence of hearsay, to state that which she never did hear; but to state it in that shape which most convey the impression that it was a fact to which she did not dare to speak positively, because she knew the time would come when she would be detected. To what could not be contradicted, she boldly swore; what would be capable of contradiction, she put into the form of hearsay and information. The day after, M'Gregor came to the house, and she agreed to take them on condition of their granting a declaration to leave the house at the end of a week. Little circumstances, Mr. Shadwell said, were frequently important; they were a test by which best to try the truth of a general statement. Where was now the written declaration, was it forthcoming? It being produced would confirm the fact deposed to; but the non-production spoke for itself. Did they send M'Gregor to the house to induce her to take them in. What was the purity of the public hotels at Edinburgh such that Lord and Lady Portsmouth and their family were not fit guests—that a

publican would dare to turn them out? And would any one believe that the same man would go the next day to procure lodgings for those guests, whose reputation was such, that for them to stay longer in his house was pollution, and would destroy the character of himself and his house forever? No one could believe it—it was incredible. The witness went on to say, nothing further took place till Monday afternoon, when she and her maid were alarmed at violent screams, thinking her child had fallen down, but found they proceeded from Lord Portsmouth. This was impossible. Was it possible this woman should mistake the screams of Lord Portsmouth, a stout over-grown man of fifty-five, for screams of an infant child? He would leave his Lordship to decide whether she was likely or not to be correct. She then said, that on the second Sunday the family were in deponent's house, she was given to understand they had gone to church, with the exception of Lady Portsmouth; and the deponent was directed to prepare, among other things for dinner, a plum-pudding, the fruit of which was always kept by Lady Portsmouth herself. Could his Lordship believe that Lady Portsmouth, moving about as she did, with all the personal inconveniences that attended her in these daily removals from one house to another, would order a plum-pudding, and keep the plums? This was fabulous; but the introduction of these little collateral incidents spoke volumes, and gave a credibility, as Mr. Shadwell said, to other parts of the affidavits, which taken by themselves, deserved none: that was the only way of accounting for the episode of the plum-pudding. Then she said, as the afternoon was advancing, she repeatedly requested the maid of Lady Portsmouth to go to her mistress for the fruits, which she declined, saying she was not permitted unless rung for; that it now became necessary to have the fruit; and she questioned the maid as to her reason for using so much ceremony; and the deponent's suspicions were excited, and she went up stairs herself. The Scotch landlady had no such delicacy as the maid—go she would. Was it to be believed, that her Ladyship ordered a plum-pudding, and laid herself so open to detection in her guilty amours, that instead of sending the plums down stairs, she would invite the woman to be upon the watch, for the sole purpose of being detected in that in which the most impudent would wish to avoid detection? She stated that on getting to the drawing-room door, she rapped, and instantly took hold of the handle to open it, when she found the door fastened inside. She made a noise; when, to her astonishment, the door was opened by Mr. Alder, who desired her to make less noise, and Lady Portsmouth called out to shut the door. No one could account for this woman's suspicions. One should suppose, that if any thing guilty had been going on in the contemplation of either of these parties, that either the door would not be opened at all, or that Mr. Alder would not be the person to come and open it. She then said, that in consequence she became alarmed for the character of her house, and on the Thursday following they removed. If the character of any woman was to be whispered away in the manner in which this woman had attempted to whisper away the character of Lady Portsmouth, nobody was safe. The fact was, that Lady Portsmouth was in an extremely delicate state of health. The affidavit proceeded by stating, that on leaving her lodgings they did not pay; but she and her husband having detained a portmanteau and bag, they clubbed their money and paid the bill. Could any body believe that? One guessman was that not a shilling was left at Lord Portsmouth's disposal; that Lady Portsmouth received all the money, and yet it was supposed she could not pay for a week's lodging. Her alleged paramour, too, was not only respectable but wealthy; yet they were such mumpers they must leave their lodgings without paying their bill. Was it possible to believe this woman? The incredibility of the whole of the evidence from Edinburgh was thus contradictory in itself, and had been discredited by the parties on the other side.

The ATTORNEY GENERAL said that his learned friend always supposed that they had known this evidence before the month of February.

Mr. HORNE was content to take it either way. They had their information in December; if they believed it, they must have made inquiry. But at any rate it was not to be believed now, since it made no allusion to the monstrous insinuations and calumnies which were sworn more than 6 months afterwards. He would now proceed to other points of the case.

The LORD CHANCELLOR.—I am afraid you must reserve those points till Monday.

Mr. HORNE was sorry to be tedious.

The LORD CHANCELLOR.—Not at all; I hear you, as always, with great pleasure; but the students must have the hall at half past two. If you choose, I will attend here on Monday at 9 o'clock.

Mr. HORNE.—If your Lordship pleases,



Palembang.

(WITH A PLATE—No. LXLI.)

As many of our Eastern Traders resort to this place, and no Chart of the Rivers leading to it has been yet engraved,—we have come to the conclusion, that many of our mercantile and nautical Readers would deem an Engraved Plan of the place, including both its rivers,—an acceptable accompaniment to one of our Numbers, and have made some efforts to compile a good description of it.

We find, however, that Major Court's Descriptive Account of it, is the best we could furnish; although it relates to a period when it was unattacked by the Dutch; and, we therefore give it entire:—the navigation to the River's entrance appears to be safe, more particularly since the publication of the New Chart of Horsburgh, of the Straits of Banca; but the facilities of Trade to the British Flag have not been increased by the change of the masters of the Country, although for the consumption of the Dutch Soldiers stationed there, a trifling demand is created for European articles not before saleable there—for even on these, as well as all other produce or manufactures imported on British bottoms, or on ships under the British flag, a high duty is levied. We must not, in fairness, however, complain very bitterly of this, because we are not overmerciful ourselves to our Netherland neighbours to the Eastward, as may be judged from the fact of the Merchants of Batavia frequently transshipping their goods at Singapore (a Free Port) into British vessels, and thus paying double freight, as a cheaper mode of importing them into Calcutta, than that of paying double duties here. But we are detaining our readers from the really interesting account of Palembang, which follows:

DESCRIPTIVE ACCOUNT OF PALEMBANG.

The kingdom of Palembang, which amongst the native states of Sumatra holds the first rank, occupies the portion of that island to the southward of the equator, which is included between the latitudes of 2° and 4° 30'. It is bounded, on the north and east, by the Straits of Banca; on the south, by the Lampong country; on the west and south-west, by the ranges of mountains which separate that state from Bencoolen and its dependencies; and on the north-west, its limits adjoin the territories of the Sultan of Jambec.

The principal river, which is called the *Moosee*, upon which the town of Palembang is situated, runs through the whole extent of the country in a general direction from south-west to north-east, having its source in the range of hills near to Bencoolen. With this river all the others have confluence, and the accumulated waters are disembogued into the Straits of Banca by four different mouths, which, under the names of the Sali, the Opan, the Soensang, and the Pontian, diverge from the main river at different points below the town of Palembang. The Sali being the eastern, and the Pontian the western mouth, or *kwala*, so called by the natives.

The Soensang branch affords the most ready and the safest navigable communication to the town of Palembang, which, by the winding course of the river, is about seventy miles distant from the sea. Monopin Hill, on the western extreme of Banca, bears nearly north-east from the Soensang entrance, whence it is distant about eight leagues, and from which, excepting in thick hazy weather, it is clearly discernible. The village of Soensang is near the mouth of the river, and is placed under the controul of a Demang, whose duty it is to send a report to the Sultan of Palembang of the arrival of every vessel of any consequence. From him, pilots may be obtained to conduct vessels or boats up to Palembang.

The town of Palembang is only accessible on the north and eastern sides, by the medium of the rivers above mentioned; the whole coast of Sumatra, along the Straits of Banca, presenting nothing to the eye but a low flat of interminable swamps and jungle. Very few villages intervene from Soensang to Palembang, the banks of the river on each side generally presenting the same forbidding aspect as the sea coast, so that a stranger, until the town of Palembang, opens to his view, might suppose that he was traversing the river of an uninhabited country.

From Palembang to the sea, by the Soensang branch, the river is navigable for vessels of the largest burthen. In some parts it is narrow, but generally of a noble breadth. About four miles, bearing nearly due north from the mouth of the river, a bar must be crossed to

enter the channel of deep water through which to navigate to the river, the channel on each side having shallow water. At the highest spring tides the bar has never more than three fathoms water upon it, so that the larger ships are obliged to anchor outside the bar.

Vessels making for the Palembang river direct their course to the bar; and from the direction it is proper to cross it, in order to enter the channel for Soensang, the mouth of that branch of the river appears nearly closed by projecting land, the Pontian mouth at the same time exposing a wide and open view of that river; the latter is therefore frequently mistaken for the navigable branch, and vessels committed to this stream have had their progress intercepted, and been necessitated to return.

The river through its whole extent is much infested with alligators, which are very daring and voracious. The pantjallangs, or river passage boats, which are of various dimensions according to the rank of the owners, and which, being cut from the solid trunk of a tree, are almost on level with the surface of the water, expose the men who paddle them very much to the attacks of these monsters of the river. Some of the pantjallangs belonging to the Sultan and his family are no less than forty-two feet in length and ten or twelve in the greatest breadth, requiring twenty-four men to paddle them, who are ranged on each side. The trees from which these boats are formed, are cut in the forests near the mountains, whence they are brought to Palembang with considerable labour. The Sultan, who was very anxious at all times to manifest respect and kindness to the British Resident, always sent one of these boats to the mouth of the river to convey him up to Palembang when he came from Banca to visit his Highness, and also to convey him back. I have seen, on two occasions, alligators raise their heads out of the water near the side of the boat, in the attempt to take one of the paddlers out of this large description of pantjallang. The boatmen, having plenty of room to move away, escaped their grasp; which was checked also by the height of the side of the boat from the water, through in this large pantjallang the deck at the centre, upon which the paddlers sit cross-legged, did not exceed nine or ten inches above the surface of the water. From the smaller description of pantjallangs no less than seventeen paddlers were carried away by alligators during the time I was at Palembang. Two gentlemen, coming up the river to visit me in one of the smaller boats, had provided themselves with a basket of provisions for their journey. On their way an alligator raised himself from the water; the paddlers shrieked and fortunately escaped; but the basket of provisions became the prey to his voracity.

These pantjallangs, which are peculiar to Palembang, are very commodious and quick in their passage. That above-mentioned, belonging to the Sultan, had a space covered at the stern by a light covering, made of matted nipa leaves, sufficient to shelter the steersman, to allow a recess for sleeping, and a space in front to accommodate eight or ten persons sitting with a table in the middle.

The *row biduk* is another kind of river boat, similar to the pantjallang boat, with its sides raised by additional planks. They are used for conveying baggage, and as a safer passage boat in stormy weather.

The Sultan has a state boat of this description, called the *pro w naga*, which has a large carved head of the fabulous dragon called *Naga*.

The distinctions of ranks are preserved in the equipment of these boats with as much care as the colour of the paying, which here, as in other Malayan states, varies according to the several gradations from the Sultan.

The town of Palembang is formed on both sides of the river *Moosee*, which is there about twelve hundred feet in breadth. Some of the houses are erected upon large rafts of timber, anchored near the banks, and which rise and fall with the tide; behind these, are houses built upon piles of timber, and which at high water become insulated; at the back of these again, a third row of houses built on the land, along the banks, and on the sides of the several small streams which join the main river.

The palace of the Sultan is a magnificent structure, built of brick, and surrounded by a strong wall. The houses of the principal chiefs are commodious and comfortable, though they have no pretensions to elegance. Many of these, as well as the houses of the wealthy Arabs and Chinese, have tiled roofs, supported by strong pillars of timber, and are divided into rooms by wooden divisions of plank.

The houses of the inferior classes are built of the light materials which are used for habitations in other Malayan countries.

Not more than three or four houses have any communication one with another, excepting by boats. This does not proceed from a necessity arising out of the nature of the country, so much as from the habit and inclination of the people to have ready access to the conveniences of the river. The principal inhabitants, who have their houses generally built upon the banks of the river, have piers constructed to the distance of low water mark, in order that they may at all times command uninterrupted communication with their boats.

From one extreme to the other, the town may be estimated to extend at least three miles along each bank, and to contain a population of nearly twenty-five thousand souls, including about one thousand Arabs and Chinese.

The foreign trade from the town, is carried on by the Chinese, Arabs, and natives, to Java, Malacca, Banca, Penang or Prince of Wales' Island, Lingin, Rhio, and the eastern coast of Borneo. Two large junks from China, one from Amoy, the other from Canton, and a small one from Siam, arrive annually at Palembang with the N. W. monsoon in January, and depart with S. E. monsoon in August.

The principal imports consist of woollen cloths, of which every man who has the means, is anxious to have a dress; English chintzes and coloured cottons, their choice of which is principally directed by the pattern; Bengal and Madras piece goods; copper, iron, and steel, with manufactured articles of these metals; teas, drugs, China silks, nankeens, earthenware, salt and Java cloths.

The exports consist of Palembang produce, in pepper, cotton, rattans, bees-wax, dragons' blood, benzoin, gambir, elephants' teeth, gold dust, kayoo laker, and birds' nests in small quantities.

Of the produce of Palembang, pepper, which is there called sahan, as also the common name of lada, may be computed at fifteen thousand peculs annually, which was formerly sold at three dollars per pecul of one hundred and twenty-five Dutch pounds.

Of cotton there are two kinds, the common called kapas, and the k cotton, which is called kapok. The latter is only used for stuffing beds and pillows, which purpose it answers exceedingly well, being very soft and elastic. The produce of cotton has been about four thousand peculs, sold raw from two to four dollars per pecul, and cleaned from eight to ten.

Rattans, about one hundred thousand, of one hundred to each bundle. The first sort, three fathoms long, sell at seventeen dollars per bundle; inferior at ten, twelve, and fourteen.

Dragons' blood, called jaraung, and benzoin, called kaminian, sell from fourteen to twenty-five and thirty dollars per pecul.

Elephants' teeth, if two to a pecul, sell for eighty dollars; if four, sixty dollars, and so on.

Kayoo laker is exported in considerable quantities, by the China junks. It is used by the Chinese for burning in their houses and temples.

Gold dust varies in price according to its quality. The inferior sort is called *mooda* or young, the most valuable being termed *teach* or old. The former when melted into bars, has a whitish dull cast; the latter bearing a brilliant yellow appearance.

The Sultann receives a certain amount from every vessel or prow entering the port of Palembang, according to its measurement.

A large China junk, pays about fifteen hundred dollars, a smaller one thousand dollars; and the Siamese junks, which are not of greater burthen than eighty tons, pay about seventy-five dollars. The anchorage dues being paid, the cargo is free from all other imposition of duties.

Of all the Malayan ports, Palembang has been and is considered, by all native and European foreigners, the safest and best regulated. Once entering the river, the smallest prow, with ordinary vigilance and precaution, will be secure from violence or plunder. Outside the river, small pirate prows will sometimes lay concealed in the creeks and under shelter of the jungle along the coast, and he will prey upon the small trading prows entering the river, but such occurrences are not common, and are guarded against by every means in the Sultann's power.

The control of the port is placed under the authority of a native chief: he is appointed by the Sultann, and his office is called the Shabundara. All disputes arising among the crews of vessels, or on questions regarding trade, are adjusted by the Shabundara, assisted in cases of importance by other chiefs, who are deputed for the purpose by the Sultann. Their decision, which is regulated by the application of acknowledged rules and customs of trade to the particular points in dispute, is duly submitted by the Shabundara to the Sultann, with whom it rests to confirm their adjudication or to direct a further consideration of the question.

The jurisdiction of the town is administered by one of the chief Pangerangs, who, by virtue of his office, is called the Pateh. All the duties of a judge and magistrate devolve upon him, in the performance of which he is assisted by a Tamunggung, who holds an inferior and subordinate jurisdiction. In judicial matters the decisions of the Pateh are regulated by the common law or adut of the country, and, in cases of magnitude or difficulty, the Sultann deposes other chiefs to assist in the investigation. Before the Pateh orders the execution of any sentence or decree, he submits the case to the Sultann, and receives his orders in confirmation or otherwise. Disputes between the Chinese

are commonly referred to the Captain China, or chief of the Chinese, for settlement, according to their customs; and in like manner, the chief of the Arabs exercises authority over the Arab inhabitant.

Matters which concern the state and effects of deceased persons with all other suits of an ecclesiastical nature, are adjudged by the Pangerang, Penghooloo, or Caze, who is guided in his judgment by the laws and precepts provided in the Koran.

Controversies frequently arise upon the question, whether litigated points should be adjusted by the adut or common law of the country, or by the Koran; the one party finding the strength of his cause to be favoured by the application of one rule, and the other party, viewing his interests to be best protected by other mode of adjudication. In these cases the party who can command an influence with the Sultann, either personally or by the intervention of his confidential advisers, will probably obtain the sanction of that law which is best suited to his purpose.

The usual punishments for offences are fines and imprisonment for short periods. Murder is commensurable by fine; but in the case of a servant who killed his master, the culprit was punished by death, inflicted by the stabs of kreeses.

A chief giving offence to the Sultann, or in his presence making use of any provoking language or gesture to another chief, must soon after send his kris to the Sultann, in token of his submission, or he will endanger the sequestration of his property and banishment to the upper country, the usual punishment of the chiefs for contumacy or disaffection, which in extreme cases are punished with death.

Palembang is the only large town in the territories of the Sultann which may be said to centre within itself all the rank and wealth of the state. The chiefs, who hold by grant from the Sultann the seigniorial property and authority in the provinces and villages, only visit their Desas, as they call them, on occasions connected with the pursuit of trade, or other objects of personal interest. The greater part of their time is spent in the capital, where they are attended by a stipulated number of their vassals, who receive no pay or food from their chiefs during their appointed time of service. The number of men each village is required to provide for the service of its chiefs is regularly recorded in the books of the country, together with the proportion of tribute the inhabitants have to provide from the produce of the land in their occupation.

Of the several ranks, the first in dignity will of course include the sons and brothers of the Sultann. His eldest son has properly the title of the Pangerang Ratoe, but the Sultann Najm al Deen gave to his eldest son that of Prabo Anam, of equal dignity, in consequence of the eldest son of the Ex Sultann having received that of the Pangerang Ratoe.

The Pangerangs are generally allied by blood, some nearly and others more remotely, to the royal family. They take precedence according to the designation affixed to their title. Thus the Pangerang Chitra Kasooma was elevated, in reward of his services, to the superior rank of Pangerang Wiro de Radja. The sons of Pangerangs have the title of Redeens by birth.

The chiefs below the ranks of Pangerang and Radeen come under the general denomination of Mantries, and rank according to their titles in the following order: Tumunggung, Ranga, Demang, Angbhey. These are taken indiscriminately from all classes of the inhabitants, and are advanced to their titles at the pleasure of the Sultann, and according to the degree of their merits and services in his apprehension. Chinese, Arabs, Malayese, and every description of persons, are found in this class, the only essential requisite to the attainment of the rank of Mantrie being the profession of the Mahomedan faith.

In the provinces, the head men of the villages are generally selected by the inhabitants themselves, and their choice confirmed by the Sultann. They have their customary titles of Dupattie, Lura, Pro-attis.

The districts and provinces which constitute the dominions of the Sultann of Palembang derive their names from the principal rivers which flow through them, on the banks and tributary streams of which all the villages are situated. The most valuable of these provinces is probably that at the head of the river Moosce, called the Anak Moosce, so named from its embracing several streams which have confluence with the main river.

The general produce of this province consists in rice, pepper, cotton, wax, gambir, and gold dust.

The word soongee signifies river, and is prefixed to the name of it; The number of men signifies the agreed proportion to be provided for the performance of feudal services.

The province of Moosce, which comprises the Doosuns, situated on the main river, produces rice, cotton, wax, and pepper.

ASIATIC DEPARTMENT.

— 653 —

The province of Lamatang is so called from a large river of that name, which has its source to the eastward of that of the Moosee, which river it joins about eighty miles above the town of Palembang. It produces pepper, cotton, and rice.

The river Ogan, which also joins the Moosee, about two miles above the town of Palembang, has its source in the Lampoong country.

The district of Rembang Ogan has its name from the river Rembang, which joins the Ogan before it reaches the Moosee. The Sultann is supplied with rattan mats for his palace from this district.

The Belida river, which gives name to a small district of that name, held in fee by its chief under the Sultann of Palembang, communicates with the river Ogan by means of a cut. The Belida joins the Moosee a few miles below the junction of Lamatang. The Banyo Asseu river embraces that province, which lies in the vicinity of the Pontian mouth of the river.

The Kamareeng is a large river which runs to the eastward of the Ogan, with which river it has a cut of communication. This river has its source in the Lam poong district, and is said to flow within twenty miles of the Tulang Bawang, the principal river in that country. The province comprised within the course of the Kamareeng is recorded in the Palembang books, but the inhabitants do not appear to have been brought under perfect subjection to the authority of the Sultann of Palembang, to whom they have not of late years rendered any tribute. This province may be considered to embrace the tract of country between the Ogan and the sea-coast of the Straits of Banca. Its population is composed of a mixture of various tribes of Javanese, Buggis, and others.

There is a description of wild people in the interior of the Palembang dominions who refuse all intercourse, and who are called Orang-Knbu. They are considered a very harmless and inoffensive people, and with them a trade is contrived to be carried on in the following manner. Cloths, tobacco, and other articles, of which they have need, are placed at certain spots near where they are known to live, and the owner of the goods, as a signal to them, beats a gong when he retires from the place. These people then come and take away the goods, leaving a very full equivalent in honey, wax, and other articles they collect in their wild retreats.

The Sultann enjoys, throughout all the provinces of his dominions, the exclusive monopoly of the trade in pepper. In payment of this produce, he delivers to the cultivators cloths at fixed prices, which, perhaps, will allow to the Sultann a profit of fifty per cent. on the original cost to him of these articles.

This is a privilege established by long custom, and which, coming under the denomination of Tiban and Toocan, awakens so much of the sympathy of Mr. Muntinghe.

The Sultann being the acknowledged lord of the land, confers grants of the several villages to the Pangerangs and Mantries, in value apportioned to the favour in which they are respectively held by him.

The assessment of each village is duly recorded, stating the quantity of produce agreed by the occupants of land to be provided to the chief, and the number of matagawies, or men to be furnished for rowing his boat, and other duties required by him to be performed. This is the system of forced labours and deliveries which has further called forth the indignation of Mr. Muntinghe, and, as he may wish it to be thought, the humane interposition of the Netherlands' Government of Java; and this is the very identical system pursued in their own settlement of Amboyna. Not only so, but in order to increase the value of their own forced cultivation and deliveries, they destroy the natural productions of the neighbouring islands, and deprive their inhabitants of the gifts which nature has bestowed, because those gifts come in competition with their own interest, and if allowed to be enjoyed would, by increasing supply, depreciate the value of their trade.

Whatever may be the objections to this system, it is very evident that the contributions to the Sultann and the chiefs are in fact payments of rent for the land. These rights of the Sultann and the chiefs, founded on ancient custom and agreement with the occupants of the land annexed to the villages, ought to be held sacred, as constituting their property.

Whether it be good or whether it be bad, the Dutch Government had no right whatever to interfere with the property of the chiefs, nor with the laws and government of the country. To send a messenger through the country, proclaiming the *ipse dixit* of their Ambassador to the Palembang state, and introducing, or endeavouring to introduce anarchy and distrust, by announcing to the people that they were no longer to pay their rents, nor to perform any of the ancient duties of their allegiance, was a barbarous and malignant outrage upon the feelings and interests of the Sultann, the chiefs, and even the people themselves. It has deservedly produced an unanimous and determined resistance, which I trust may be eventually successful.

Had it been the real object of the Netherlands' Government to ameliorate the condition of the people, and to animate them to the improvement of the advantages they enjoyed in a fertile soil intersected by fine rivers, they would have employed time, conciliation, and persuasion, to impress the Sultann and the chiefs with the belief of advantage to themselves and benefit to the people, to be expected from a more perfect system of laws and administration. But their interest was too clearly, as I have already stated it, to usurp the country; and to prevent all opposition to such insidious design, by exciting the people against the chiefs, and the chiefs who supported one Sultann against the chiefs who supported the other.

Of the general population of the country under the authority of the Sultann of Palembang I can form no correct estimate. From the record of the number of men registered for feudal services, a rough computation would suggest the possibility of 75,000 scattered over the provinces, and 25,000 for the town of Palembang, making a total population of 100,000 souls.

The produce of the interior is brought to Palembang on large rafts of bamboos, upon which small houses are constructed of the same materials, covered in with nipah leaves. Thus completed, these rafts are called rackets, and the people who have charge of conveyance of the stores have no further trouble in the navigation of the river, than to keep the racket in the middle of the stream.

Of positive slavery there is less, perhaps, than in most of the Malayan countries, or even those which constitute the present Dutch possessions.

Individuals who borrow money for the purpose of relieving themselves and families from urgent distress, owe service and fidelity to their creditors until the debt is discharged. They cannot quit their masters excepting they find another master willing to advance the amount of their debt, when their services revert to their new creditor. The debt is not only binding on the individual, but on his wife and children; but they cannot be sold, or made property of as slaves. This law has given another occasion for Mr. Muntinghe to make a display of his tenderness and philanthropy towards the Palembang people.

No consideration of the rights of individuals, or regard for the independence of the state, were permitted to interrupt the accomplishment of Mr. Muntinghe's interpretation of relief to suffering humanity; his messenger is therefore charged to proclaim, through a country where he had no authority, or any other title than the superior strength of his government, the abolition of this abominable custom, as he calls it.

I do not mean to advocate the morality or justice of such a custom; but I do assert that in such cases a worse evil must accrue to society, from the principle of employing violence and fraud in the contemplation of beneficial results, than any evil from imperfection of laws.

However odious such a custom may appear, we may perhaps trace some good effects to arise from it. In Palembang we see no houseless or starving poor, none "pining in want or in a dungeon's gloom, shut from the common air and common use of their own limbs."

Of the revenues of the Sultann of Palembang it would be difficult to form a monied estimate, as they consist of contributions in kind from the provinces, port duties, and feudal dues and services, which embrace a variety of contingencies.

On occasions of the marriage of the Sultann's sons, all the principal inhabitants are required to erect a flagstaff, and on the day of ceremony to hoist a flag. This is a custom observed on any grand occasion of joy to the royal family. On the occasion of marriage the parties are weighed, when the chiefs are expected to contribute a proportion of silver money.

The island of Banca was the most profitable source of monied revenue, from which, some years ago, the Sultann may be computed to have derived 150,000 dollars annually, by the sale of tin or terms of his contract with the Dutch East India Company.

CALCUTTA BAZAR RATES, APRIL 15, 1823.

	BUY	SELL
Remittable Loans,	Rs. 30 0	29 0
Unremittable ditto,	9 8	9 8
Bills of Exchange on the Court of Directors, for } 18 Months, dated 30th of April 1822,	25 0	24 0
Bank Shares,	6000 0	5900 0
Spanish Dollars, per 100,	207 0	206 8
Notes of Good Houses, for 6 Months, bearing Interest, at 6 per cent.		
Government Bills, Discounted,		at 3 8 per cent
Loans on Deposit of Company's Paper, for 1 to 3 months, at 3 8 per cent		

Mr. Buckingham.

The Gentleman who enjoys the honour of editing the BOMBAY COURIER, has deemed it proper to re-echo the injurious insinuations respecting Mr. Buckingham, so industriously propagated by his enemies at this Presidency; and the JOHN BULL of yesterday has, with great consistency, treated his readers with the repetition of these rumours; which being thus multiplied by severberation from one side of India to the other, the astonished Taurists, may perhaps be well nigh convinced by the reflected sound of their own voice. The part played by the BOMBAY COURIER on this occasion, greatly resembles the description given in Hudibras of Echo, whom "small Poets in their splay-foot rhimes" make—

To answer to int'rogatories,
And most unconscionably depose
To things of which she (*the Courier*) nothing knows
And when she has said all she can say,
'Tis wrested to the lover's (1) fancy.
Quoth he, O whither, wicked Bruin, (2)
Art thou fled? to my—Echo, Ruin.
I thought thou 'adst scorn'd to budge a step
For fear. Quoth Echo, (3) Marry guap.
Am not I here to take thy part?
Then what has quail'd thy stubborn heart?
Have these bones rattled, and this head
So often in thy quarrel bled?
Nor did I ever winch or grudge it.
For thy dear sake. Quoth she, Mum budget.
Think 'at thou 'twill not be laid i' th' dish
Thou torn'dst thy back? Quoth Echo, Pish.
To run from those thou 'adst overcome,
Thus cowardly? Quoth Echo, Mum!

It would have indeed been more decent and becoming in the BULL and his Bombay respondent, to have remained silent than to have spoken so little to their credit. The COURIER himself formerly confessed this in pretty plain terms in his paper of March the 8th. After stating that Mr. Buckingham had been ordered to quit India, for ridiculing in strong terms, the acceptance as well as the appointment of Dr. Bryce, he adds: "FOR OBVIOUS REASONS we avoid anything in the shape of an opinion respecting Mr. Buckingham's offence, and shall rest satisfied with expressing our conviction that he will neither suffer in person or purse by the punishment inflicted upon him."

Notwithstanding this, the Editor, very inconsistently resumes the subject about three weeks after, and gives his opinion respecting Mr. Buckingham's offence at great length, representing it in a light grossly illiberal and fallacious. The Editor it appears does not consider himself restrained by the "OBVIOUS REASONS" he before alluded to, from indulging in as much slander as he pleases against the late Editor of the JOURNAL. With this comfortable license he proceeds to repeat the unfounded calumny, that Mr. Buckingham wrote the article relative to the Secretary of Stationery for the purpose of procuring his dismissal from this country, as the most convenient way of transferring the management of the JOURNAL into other hands. Now to give such an assertion the slightest colour of truth, it ought to be proved that he was in some manner prepared for such a change; that he had provided himself with a successor, or made some arrangement for the future management of a very extensive concern, which depended so entirely on his own presence and personal exertions, that for several years, he could hardly afford to be absent from his desk a single hour for six days in the week, from nine o'clock in the morning till six in the evening. Men not utterly regardless of truth, would first ascertain whether he had made any provision for others to undertake this Herculean labour, on which the preservation of the greater part of his property depended, before they broadly asserted that he did contemplate resigning its management. The Public will not

(1) Or Taurists.—(2) Or Buckingham.—(3) THE COURIER.—

readily believe Mr. Buckingham to be so destitute of discretion as wantonly to sacrifice a large Concern by running away voluntarily, and leaving it to take care of itself.

Now it can be distinctly proved, that he had not made provision for such an important change; that, on the contrary, he had made very expensive provision for his permanent residence in this country; that only a few months before, part of his family had been brought from England at the great risk and expence of a long sea voyage. Yet in opposition to every sort of evidence, direct and circumstantial, of his earnest desire to remain in this country and superintend his JOURNAL, in which his heart was fixed, we are called upon in contempt of common sense, to credit that Mr. Buckingham wished nothing so much as to get away—an assertion which rests on no foundation but the malignant feelings of his enemies, which make them ready to believe and allege any thing that can make against him.

The Editor seems to reason on the subject, as if there were no other human motive of action but selfishness; and although we may give him credit for his sincerity, as the argument is probably drawn from his own breast, we protest against his generalising it, and beg leave to inform him in particular, that it did not extend to Mr. Buckingham. For if that gentleman had had no higher views than self-interest, he might easily have written Choral Odes and Birth Day Ballads, and enjoyed in "affluence and elegance," all the luxuries of the East, amid the smiles and caresses due to an Indian Laureate.

We shall just quote some of the last sentences of the consistent COURIER who seems to regret excessively, that the generous feelings of the Indian Public, should confer on Mr. Buckingham a reward of a higher nature than this Bombay Oracle or his Tauric Co-temporary can ever hope to enjoy; and this may be the reason why they would willingly see those feelings rooted out of men's hearts, or the object of them not only removed from India but exterminated from the face of the Earth:—

"He is ordered to quit India, at a short warning, his affairs are left in confusion, the auctioneer's hammer only, is to be heard in the habitation which before was the seat of affluence and elegance,—and on every side distress and ruin stare him in the face! he is a martyr in the cause of liberty and the freedom of the press, the rights of Englishmen are invaded in his person, and the minds of the demi natives even, are filled with consternation! What man under these circumstances could be so obdurate, so dead to the feelings of British freedom, as to withdraw his name from the list of subscribers to the Calcutta Journal?"

Having thus disposed of the BOMBAY COURIER, we shall not trouble ourselves much about his Respondent Echo in CALCUTTA, who may well apply to himself the words of Swift's Echo—

—I fret and rave and gabble
Like the labourers of Babel
Now I am a Dog or Cow; (qu. Bull?)
I can bark or I can low
I can bleat or I can sing—
Should none regard my bellowing.
Yet—
Much I dread the courtier's fate,
When his merit's out of date!

COURSE OF EXCHANGE.

BUY.] CALCUTTA.
1 1/4 a 2 1/2 On London 6 Months sight, per Sicca Rupees, .. 2 a 2 1/2
Bombay 30 Days sight, per 100 Bombay Rupees, .. 92
Madras ditto, 94 a 98 Sa. Rs. per 100 Madras Rupees, ..
Bills on Court of Directors drawn. at 2 6—Exchange 26 a 28 pr. ct. prem.
Bank Shares Premium 60 to 62 per cent.

HIGH WATER AT CALCUTTA, THIS-DAY.

	H.	M.
Morning.....	8	25
Evening.....	8	49

Servant's Characters.

To the Editor of the Journal.

SIR,

Among the Selections for the 11th instant, is a letter to the Editor of the HURKARU, signed JACQUES, respecting the impositions practised by Servants in selling Characters.

The plan which he proposes "as a corrective to this abuse, is either to refuse to give a Servant a Character until he has a situation in view, and then not to do it unless application is made by a person wishing to employ such Servant, or when given under other circumstances to give a minute description of the person receiving it."

The 2d proposition would be the most likely to answer, as there are but few people who would take the trouble of making particular enquiry into the Character of any one applying for service.

It is well known to those who have been long resident in Calcutta, that Servants are in the habits of lending Written Characters to one another either for profit or otherwise. If the person who gives a Written Character, were to make it a kind of descriptive roll, and after mentioning the Servant's name, state his age, country, cast, height, complexion, hair, small pox marks, scars, &c. it would be almost impossible for any transfers to be made, without being immediately detected.

O—.

The Drama.

We omitted to notice yesterday, that the Chowringhee Theatre opens on Friday Evening next, after the Easter Recess, with Morton's Five Act Comedy of "*The School of Reform, or how to Rule a Husband.*" It is not one of his best productions, but it is a good standard Play; and as we cannot always have the best, we ought to feel satisfied, and indeed thankful to the Managers for getting up a good Play at all, when we consider how often the many difficulties they have to encounter, besides their dependence on the assistance of Amateurs, have driven them to the necessity of endeavouring to entertain us with two trifling Farces. We trust that the public will shew its decided preference of the sterling coin of the Drama over its baser currency, by a crowded house. Of the Cast of the Play we know no more than what we gather from the subjoined paragraphs, which we quote from yesterday's BULL; but if the information they convey, be correct, we may expect a high treat. Among other attractions, we notice that two new Performers—a Lady and a Gentleman—will make their *debuts*, and submit their theatrical talents to the ordeal of public judgment—it is sometimes a fiery and a dangerous one at home; but here, where every new appearance is a favor conferred on the lovers of the Drama, the Debutants need not fear, but that justice will be tempered with something more than mercy, and that the most positive failure will not draw down on them a severer sentence from the audience, than silence. Let them remember then, and be encouraged by the recollection, that though they may fail, the attempt to aid in preserving to us the rational and intellectual recreations of the Drama, deserves, and will insure to them, the gratitude of the public. Of this we are certain that if these recruits of the *Corps Dramatique* should fail, it will not be for want of encouragement; and for our own part, we fear that we may be impelled by our desire to supply this invigorating impulse, by not observing so strictly as we ought, the due proportion of praise, to the merit on which it is bestowed.

While we are on this subject, it may not be improper to remark, that the good old practice of advertizing the Plays seems to have been left off. In this JOURNAL, the advertizements were always inserted *gratis*, and would still be so, if sent to us for that purpose. The following are the paragraphs from the JOHN BULL:—

"The Cast of the School of Reform, which is to be performed on the Chowringhee Boards on Friday next, is, we understand, particularly strong; and cannot fail of producing proportionable amusement.

"Independent of a *Debutant*, the General Touchwood of "*What's Next*"—will perform the part of General Tarragon—the part of Termut will be undertaken by the Lord Trinket of the "*Jealous Wife*," while the justly styled Proteus of the Indian Stage will no doubt gratify the audience in the part of Tyke. Lord Avondale will be undertaken by the Major Touchwood in *What's Next*, and the Old Man by the Lord Scratch of the Dramatist. Mrs. Nicely will be undertaken by the Lady Freeloze in the *Jealous Wife*, and we understand that a female *debutante* will also make her appearance in Julia Tarragon. With this prospect before the public we cannot doubt, but that the house will overflow.

Indo-Britons.

To the Editor of the Journal

SIR,

Thro' the kindness of a friend, I was yesterday furnished with a copy of the ORIENTAL MAGAZINE, AND CALCUTTA REVIEW, for this month, and it was not without feelings of the strongest indignation I perused the article headed "MR. BUCKINGHAM," in page 530. I can give no adequate idea of the disgusting cant which pervades the whole of this choice specimen of sophisticated Toryism. It seems that this virulent writer is not satisfied with the degree of abhorrence in which his work is already held by every independent class of this Society, but he dares to outrage the feelings of the whole body of Indo-Britons by a strain of the most illiberal insinuations against their parentage. It will be sufficient for my purpose to quote the following sentence:—"The power of Government over European Editors had been always admitted; but it was doubted how far it extended to *half-casts* or *country-borns*, as they are generally called, or *Indo Britons*, as it has become of late more fashionable to term them. When Mr. Buckingham was about to leave Calcutta, he transferred the Editorship of his JOURNAL to an *Indo-Briton*, or half-cast: and informed the Public that it would possess many advantages over every other Newspaper, arising out of the circumstance of its conductor being amenable *only to Law.*" The Italics and repetition of a reproachful term, are of themselves sufficient to convince us that the Editor of this MAGAZINE had no other motive in view than that of offering a gross insult to our body; and I call upon those of the Indo-British community who have a regard for their reputation, whose bosoms are animated with a desire to preserve the dignity of their general character, to demand an apology from the Reviewer, to be tendered in as public a manner as his affront.

The most prominent feature in the management of a Review, should be that of impartiality in discussing the merits or demerits of whatever may fall within the scope of the Editor's observation; and in proportion to the candour with which he delivers his opinion, will he be esteemed and supported by an enlightened Public. But when we find him biassed by party feeling indulging himself in malicious vituperation; when we behold him ranging beyond the limits, which ought to circumscribe him, making encroachments upon the harmony of social life, and sowing the seeds of dissension in the breasts of all, we cannot but regard him with contempt and detestation. If the Editor of the CALCUTTA MAGAZINE, really disclaim such motives, his future conduct will not fail to prove it to the world.

Indeed, Sir, with all my previous knowledge of the character of this Reviewer, I am not a little surprised at his rashness in acting as he has done. An anonymous slanderer may, under cover of his mask, be guilty of uttering the most malicious falsehoods with the view of undermining an unsullied reputation; he may, in the confidence of never being known as their author, feel no compunction in the publication of statements, which have a direct tendency to injure a class of the community, or even a single individual; but it discovers no small degree of the most barefaced impudence,—to continue such malicious warfare, when an assumed signature acts not as a cover to his real designation.

For the honor of our nature, I wish I could satisfy myself that the person who has thus degraded the character of an intellectual being, were some base hireling, bribed to prostitute his talents in the ignoble cause of slander and falsehood; but what are we to think when the most satisfactory proof has already been afforded us of what he really is? Should it come to the knowledge of the future philosopher, surely, surely, he will wonder at such an appearance of deep hypocrisy in man, and lament the discovery of a new grade in the scale of moral depravity.

April 8, 1823.

AN INDO-BRITON.

Selections.

Bishop of Calcutta.—We understand that Dr. FLETCHER is appointed BISHOP OF CALCUTTA.—*John Bull.*

Cawnpore, April 8, 1823.—The hot winds set in here sometimes ago, and we have the prospect of a very hot season. The 16th Lancers have not yet arrived, they were at Allahabad on the 4th instant, and are tired enough of their boats: we expect them here about the 24th current.—*Private Letter.*

Madras, April 3, 1823.—The DAVID SCOTT is expected to sail about the close of the week. There seems to be no doubt entertained of the WOODFORD having put back; and if so, she was probably detained some time waiting for moderate weather and a fair wind—such untoward circumstances sometimes keep Ships back five or six weeks—we may therefore look to have much later news by the WOODFORD than that brought by the HASTINGS—though it would not now be too much to expect accounts from England, of the early part of December. His Majesty's 69th Regiment, have arrived at Wallajahbad from Cannanore. The 21st Regiment of Native Infantry left the Presidency on Friday morning, on route for Bangalore.—*Madras Government Gazette.*

Shipping Arrivals.**MADRAS.**

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Mar. 23	David Scott	British	Bunyan	Calcutta	Mar. 17
30	James Drummond	British	G. Wise	Malacca	—

BOMBAY.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Mar. 22	Bombay Merchant	British	J. Hill	Bussorah	Feb. 10

Shipping Departures.**CALCUTTA.**

Date	Names of Vessels	Flags	Commanders	Destination
April 15	Francis Warden	British	W. Webster	Rangoon

MADRAS.

Date	Names of Vessels	Flags	Commanders	Destination
Mar. 30	Madagascar	British	E. Nepean	London
30	Dauntless	British	G. C. Gambier	Tricomalie

BOMBAY.

Date	Names of Vessels	Flags	Commanders	Destination
Mar. 24	Sophia	Arab	R. bin Mahamud	Mangalore
24	Jamesina	British	A. Grant	China
24	H. M. S. Alligator	British	T. Alexander	Ceylon
26	Samarang	British	J. Gover	China

Stations of Vessels in the River.**CALCUTTA, APRIL 15, 1823.**

At Diamond Harbour.—RESOURCE, HERO OF MALOWN, FLOR DEL MAR, (Spanish), VIRGINIA, and GEORGINA, outward-bound, remain. **New Anchorage.**—H. C. S. ROYAL GEORGE.

Saugor.—MANGLES, outward-bound, remains.—ANDROMEDA, (P.), CONFIANCA, (P.), and FAVORITE, (D. brig), gone to Sea on the 14th instant.—CONDE DO RIO PARDO, (P.), ESPERANCA, (P.), and CENEUS, (brig), outward-bound, remain.

Passengers.

Passengers per Bombay Merchant, from Bussorah to Bombay.—Lieutenant P. Hunter, Mr. Catchatoor, and Mr. Carapit.

Passengers per Alligator, from Bombay for Ceylon.—Lieutenant Thynne, Lieutenant Mitchel, R. E., Lieutenant Rodgers, R. N.

Notice to Correspondents.

We do not see what good can be answered by an insertion of the letter of a WIDOWER AND FATHER OF TEN CHILDREN. We cannot but lament the anomalous state of things under which the Indo-Britons at present labor; but we hope it will not now be very long, before the English Legislature will take their situation into consideration. The marriage of the WIDOWER's son, will, we think, be pronounced legal, notwithstanding it was contracted without the Father's consent, and when the youth was no more than 19 years of age; for we suppose, but we do not speak positively, that the question in this case, would be decided, whether in Calcutta or in the Mofussil, by reference to the Laws of the country, which are an amalgamation of the Hindû and Mahomedan Codes, and by which, as the WIDOWER observes, a boy attains his majority at eighteen years, and a girl at seventeen; though by the Hindû Laws, their ages of minority expire sooner. We think a WIDOWER, would be justified by the Laws of the land, if he were justified in his own conscience, should he marry four wives; but as he says he was educated a Christian, the more honorable course would be to follow Christian example.

TRUTH's letter in defence of the OBSERVER, contains only a repetition of the allegations already made by the latter, if we except the censure to PHILO THERMIS, which we do not think he merits.

Marriages.

At Seringanatom, on the 29th ultimo, by the Honorable A. H. COLB, Captain MACLEOD, of the 1st Battalion 18th Regiment of Native Infantry, to Miss ANN EMMA SEARLE.

At Madras, on the 31st ultimo, at the Black Town Chapel, Mr. EDWARD LLOYD LAIRD, to Miss HANNAH MARIA CHILDS.

At Madras, on the 31st ultimo, at the Black Town Chapel, by the Reverend W. ROY, Mr. DANIEL PERRY, Examiner in the Government Office, to Mrs. MARY EUPHEMIA MCCARTY.

At Bangalore, on the 20th ultimo, by the Reverend W. MALKIN, A. B., Captain J. HENRY, 1st Battalion 12th Regiment, or Wallajahbad Light Infantry, to Miss TREWMAN.

Births.

At Tranquebar, on the 24th ultimo, the Lady of Captain SIM, of the Engi neers, of a Son.

At Tellicherry, on the 17th of February, Mrs. M. A. ALMUDA, of a Daughter.

Deaths.

At Itally, on the 16th instant, WILLIAM MEADOWS FARRELL, Esq; aged 53 years.

At Juggurnath Pooree, on the 8th instant, Deputy Commissary JOHN ALLEN, late in charge of Cuttack Magazine, much and deservedly lamented.

At Madras, on the 29th ultimo, at her Garden-house Royapettah, aged 61 years, Mrs. THECKLY, the relict of the late MANUCH JACOBZIAN, sq. a respectable Armenian Inhabitant of that place.

At Meerut, on the 16th of January, Captain G. W. RAWLINGS, of His Majesty's 14th Regiment, much regretted.

At Surat, on the 1st ultimo, Lieutenant Colonel EDWARDS. The following Division Order issued by Major General WILSON on this occasion will afford some gratification to the friends of the deceased.

Division Order.—Head-quarters, Surat, March 2, 1823.—By Major General Wilson.

"With Sentiments of deep concern, Major General WILSON has to notify the death of Lieutenant Colonel EDWARDS, Commanding the district of Candeish, which took place yesterday at that Station; in announcing this melancholy event, the Major General records the tribute of his sincere regret for the loss of a Meritorious Officer, whose constant and ardent zeal in the duties of his profession, procured the Honorable notice and approbation of his superiors, evinced by selecting him for his recent command."

At Dhooliah near Mallagau, on the 14th ultimo, Lieutenant W. G. THURNAM, of the 7th Regiment of Bombay Native Infantry, late Major of Brigade to the force in Candeish. In the premature death of this gallant Officer, the service has lost an excellent and valuable Soldier, and his numerous friends a truly worthy man and agreeable companion.

At Bombay, on the 24th ultimo, Mr. FREDERICK MOIR, aged 60 years.

Erratum.

In yesterday's JOURNAL, page 637, column 1, line 26, for "pre-meditatedly propagated," read "premeditated."

e
-
-
e
e
l,
d
st
-
s
-
s
ie
-
d
he
e

e-
ic

H.-
ve

Mr.

he
ent

IN,
ad

the

f a

q:

ry
ily

tab,
AN,

, of

The
cca-

or

s to

dis-
an-

re of
tant

able
his

W.
late

th of
dier,

ision:
d 60

pre: